

COPY TRANSCRIPT

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
CIVIL TRIAL DIVISION

JAMES NACE, et al.

CIVIL ACTION

vs.

PENN RIDGE SCHOOL DISTRICT,
et al.

NO. 15-333

Thursday, October 8, 2015

Oral deposition of KRISTIN A. KENNEDY,
held at the law offices of HORNSTINE, PELLONI &
HORNSTINE, 1500 Walnut Street, Suite 300, Philadelphia,
Pennsylvania, beginning at 1:30 p.m., on the above
date, before LANCE A. BRUSILOW, Registered
Professional Reporter, Approved Reporter for the
United States District Court, and Notary Public,
there being present.

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1 EXAMINATION INDEX

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3 BY Mr. Groth: (page-6)

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7 EXHIBIT INDEX

8 NO. 1 Notice of Deposition (page-14)

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10 NO. 2 Letter dated September 17, 2015,

11 with attachment (page-14)

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13 NO. 3 Letter dated April 10, 2015 from

14 D. Groth to K. Kennedy (page-14)

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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	<p>(It is hereby agreed by and among counsel that sealing, certification and filing are waived; and that all objections, except as to the form of the question, are reserved until the time of trial)</p> <p>KRISTIN ANN KENNEDY, having been first duly sworn, was examined and testified as follows:</p> <p>(EXAMINATION)</p> <p>BY MR. GROTH:</p> <p>Q. Good afternoon, Ms. Kennedy. My name is David Groth, and I asked you to come here today to give testimony in a case where I am the attorney for the plaintiff that is currently pending in the Federal Eastern District Court of Pennsylvania, the subject matter of which is a complaint against Pennridge School District, Faith Christian Academy and some of their employees, as well as Eric Romig, relating to the sexual misconduct he engaged in with my client back in 2013.</p>	<p>1 BY MR. GROTH: 2 Q. Ms. Kennedy, I've asked you to 3 come here today, as I said, to give 4 testimony that I think might be important 5 to this case on certain issues of which 6 you may be aware going back to around 7 2008, 2009, in that time period. 8 I'm going to give you some 9 brief guidelines that will help us get 10 through the deposition more quickly if you 11 follow these and if all the attorneys 12 follow them as well. 13 First of all, please listen to 14 the question and make sure you understand 15 the question before you respond to it, 16 before you give a verbal response to it. 17 If you don't understand any 18 question that you're asked, please ask us 19 to rephrase or clarify or restate the 20 question so that you do understand it, 21 and then you can answer the question. 22 If you answer a question, I'll 23 assume that you understood the question 24 and that you're giving us your best</p>
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	<p>I'm going to ask you some questions about things that I think are important and relevant to my client's claims against these defendants.</p> <p>Let me first -- I've already introduced myself to you before the deposition. I'll have all the attorneys tell you what their names are and who they represent in the case.</p> <p>MS. KERNAN: I'm Erin Kernan. I represent the Pennridge School District and its defendants.</p> <p>MS. OLSZEWSKI: I'm Veronica Olszewski. I represent Ryan Clymer and Russell Hollenbach.</p> <p>MR. RUSSELL: I'm John Russell, and I represent the Faith Christian Academy defendants.</p> <p>MR. SANTARONE: I'm Joe Santarone, and I represent just Faith Christian Academy.</p> <p>MR. RUSSELL: I'm Carla Connor, and I represent Faith Christian Academy, Ryan Clymer and Russell Hollenbach.</p>	<p>1 recollection of facts and events going as far as back as 2008 or '09. 2 Also, let me complete the 3 question before you begin your answer, for 4 two reasons: Number one, you should know 5 exactly what I'm asking you for before 6 you begin your answer; and if you jump in 7 in the middle of a question, you might 8 not have heard everything you need to 9 hear. 10 Secondly, the court reporter 11 will make a transcript of this deposition, 12 a typed transcript of the deposition, and 13 he can only take down one of us speaking 14 at a time, so allow me to complete the 15 question before you begin your answer, 16 I'll allow you to complete your answer, 17 and then I'll ask you another question so 18 that we're not talking over each other 19 and we get an accurate transcript. 20 You have to give a verbal 21 response to all questions, no gestures 22 like a head-shake yes or a head-shake no 23 or a hand gesture or any type of gesture.</p>

ORAL DEPOSITION OF KRISTIN KENNEDY, 10/8/2015

	Page 10	Page 12
1	The court reporter can only	1 Fretz or a discussion between you and
2	take make a record of what's said here,	2 somebody at FCA or you and Mr. Romig or
3	so if you answer with a gesture like a	3 whatever, you're required to give me that
4	shake of your head, he can't get that	4 information, even though it's not your
5	down into the transcript, so have ' to	5 facts. You're telling me about things
6	verbalize all your answers. You need to	6 that other people told you.
7	give a yes or a no or some narrative	7 If you don't know the answer to
8	response to any question that you're	8 a question or do not recall the facts and
9	asked.	9 information I'm asking you about, tell me
10	You're required to answer every	10 that and that's a sufficient answer.
11	question you're asked fully and to the	11 I don't want you to guess or
12	best of your ability and to the best of	12 speculate or assume anything in response
13	your recollection.	13 to a question, but you are required to
14	From time to time one attorney	14 give me all the facts and information
15	may object to a question that you're	15 that you can recall.
16	asked by another attorney, and if that	16 If you don't know the answer to
17	occurs, if somebody objects to a question	17 a question -- in other words, if I ask
18	I ask you or if I object to a question	18 you for information that you never had at
19	somebody else asks you, just allow the	19 any time, never knew; you didn't forget
20	objection to be stated on the record and	20 it, you just never knew it -- tell me
21	then you will proceed to answer the	21 that and that's a sufficient answer as
22	question.	22 well.
23	The fact that somebody objects	23 Again, I don't want you to
24	to the question doesn't mean you're not	24 believe that you are required to give an
	Page 11	Page 13
1	going to answer it. It's just to reserve	1 answer to every question just because the
2	issues for a judge at some later time, if	2 question is asked. We don't know what
3	necessary. So, don't be put off that	3 you know and what you don't know. That's
4	somebody says "object to the form of the	4 why you're here answering questions for us
5	question." You're still to answer the	5 today.
6	question.	6 Are you feeling okay? Is there
7	I'm going to ask you for facts	7 any reason, medical or otherwise, why you
8	and information that you know personally	8 can't answer our questions today?
9	or that you may have heard about or	9 A. No.
10	learned from others or gotten through	10 Q. If you need a break for any
11	other sources.	11 reason during the deposition, please let
12	If I ask you for information	12 us know and we'll arrange for you to get
13	and you've gotten some information in	13 whatever you need during the break, okay?
14	response to the question from a media	14 Do you understand those instructions?
15	report, from talking to parties in this	15 A. Yes.
16	case, from talking to witnesses in this	16 Q. You're here today in response
17	case, something other than your own	17 to a subpoena that was served on you.
18	personal knowledge, you can tell me that.	18 Is that correct?
19	Hearsay is an issue at trial, where	19 A. Yes.
20	somebody can't say what somebody else told	20 MR. GROTH: Let me mark as
21	them, but it's not an issue in this	21 exhibit Kennedy-1 a Notice of Deposition
22	deposition.	22 and Certification of Service for Kristin
23	If I ask you for information	23 Kennedy's deposition for October 8, 2015,
24	about a discussion between you and Lauren	24 which is today, at 1:30.

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1	I'm going to mark as exhibit	1 about Eric Romig or your contact with him
2	two a letter I sent to Ms. Kennedy on	2 back in 2009 or anything of that nature,
3	September 17th, providing her with	3 correct?
4	subpoena and a witness fee, as rules	4 A. No, we did not.
5	require, and also telling her of the	5 Q. And today you got here a little
6	deposition on this date and time.	6 bit before the rest of the attorneys and
7	(Exhibits Kennedy-1 and	7 I talked to you for about seven minutes
8	Kennedy-2 were marked for identification)	8 in the office here just to tell you
9	BY MR. GROTH:	9 basically what a deposition was, how it
10	Q. Is this the subpoena that you	10 would be conducted, how I would do the
11	received and that you are responding to?	11 initial questioning, and the other
12	A. Yes.	12 attorneys would, in turn, ask questions of
13	MR. GROTH: I'll also going to	13 you to find out information that they
14	mark as Kennedy exhibit three a letter	14 wanted to know. Is that correct?
15	which I sent to Ms. Kennedy on April 10,	15 A. Yes.
16	2015, telling her some information about	16 Q. But you didn't tell me anything
17	the case that we're involved in here and	17 that you were going to testify to or
18	asking her to contact me so I can ask	18 anything that you thought I might be
19	her some questions about things that I	19 interested in or anything of that nature.
20	thought were important to the case.	20 A. No.
21	(Exhibit Kennedy-3 was marked	21 Q. In other words, we didn't talk
22	for identification)	22 about the substance or facts or anything
23	BY MR. GROTH:	23 regarding your testimony today?
24	Q. Did you receive this letter	24 A. No, we did not.
	Page 15	Page 17
1	sometime after April 10, 2015?	1 MR. RUSSELL: Can I see that
2	A. I did receive it.	2 letter, please?
3	Q. Did you respond to that letter	3 MR. GROTH: Sure.
4	at all?	4 MR. RUSSELL: Thank you.
5	A. No, I did not.	5 BY MR. GROTH:
6	Q. You never tried to contact me	6 Q. Let me get some background
7	and you never had a discussion?	7 information about you first, Ms. Kennedy.
8	A. No, I did not.	8 A. Sure.
9	Q. Would it be correct to say that	9 Q. Let me ask you first: Besides
10	you and I have never discussed anything	10 me, other than me, have you talked to any
11	about this case or anything prior to two	11 representatives of Faith Christian Academy
12	days ago, when you called me up to try	12 about any issues regarding this case or
13	to see if I could change the date of	13 about anything involving Mr. Romig's
14	your deposition to a different day?	14 conduct back in 2009/2010?
15	A. Yes.	15 A. I have not spoken with any of
16	Q. Is that correct?	16 these representatives.
17	A. That is correct.	17 Q. No attorneys?
18	Q. And we talked about doing that,	18 A. No.
19	and I said I would do it if that's what	19 Q. Nobody who identified himself or
20	you wanted, but you decided to come in	20 herself as an attorney?
21	today. Is that correct?	21 A. No.
22	A. That's correct.	22 Q. How about any employees of FCA?
23	Q. And we didn't discuss any	23 I'm talking about the principal or Pastor
24	details of your testimony or any facts	24 Auckland or Henry Thompson or anybody

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1	else. Did anybody else speak to you 2 about any issues involving this case? 3 A. No, not about the case with 4 your client. 5 Q. Who did you speak to? 6 A. A while ago I spoke to Ryan 7 Clymer. 8 Q. What's "a while ago"? 9 A. Probably after I graduated in 10 2008, maybe 2009 or 2010. 11 Q. Was that a telephone 12 conversation or in person? 13 A. Telephone. 14 Q. Just one conversation? 15 A. Just one conversation. 16 Q. What was the subject of that 17 conversation? 18 A. Conversations that I had with 19 Mr. Romig. 20 Q. Is that the only time you spoke 21 to Ryan Clymer? 22 A. That is the only time I spoke 23 to Ryan Clymer. 24 Q. You graduated in June of 2008	1 that you were a student at FCA? 2 A. Yes. 3 Q. And was that your own account? 4 A. I don't know what that means. 5 Q. Was the Facebook account your 6 account, your parents' account? 7 A. My account. 8 Q. What about Mr. Romig? Was that 9 his account or his wife's account? 10 A. His wife's account. 11 Q. And how many times would you 12 estimate -- and if you can estimate or 13 approximate, that's fine. I don't need 14 an exact number, but how many times would 15 you think that you communicated with Mr. 16 Romig by Facebook during the time you 17 were a student at FCA? 18 A. I talked to him a lot. I 19 mean, he was a coach of mine and it was 20 regular stuff. I mean, he was coaching me 21 and I was seeing him every day, so it 22 wasn't that weird for him to contact me. 23 Q. Was he contacting you about 24 only basketball-related activities?
1	from Faith Christian Academy in 2 Sellersville? 3 A. Yes, sir. 4 Q. Have you had any contact at all 5 with Eric Romig since your graduation? 6 A. Yes. 7 Q. What contact was that? 8 A. I spoke with him, Facebook 9 Chat, and that was really it, Facebook 10 Message. 11 Q. When was that? 12 A. The year after I graduated, the 13 summer, and the year that I was -- 2009, 14 when I was going to Mercy. 15 Q. We'll get into that. Was that 16 just one Facebook contact? 17 A. No. 18 Q. There were multiple? 19 A. Yes. 20 Q. Over what period of time -- 21 strike that. Let me ask it a different 22 way. 23 Did you ever communicate with 24 Mr. Romig by Facebook during the time	1 A. No. 2 Q. What other types of things 3 would he contact you about on Facebook? 4 A. We were just talking. I guess 5 anything that was brought up, from what I 6 was doing or any sort of normal 7 conversation. It wasn't just basketball. 8 It was life and other stuff. 9 Q. Such as? Give me an example. 10 A. He talked a lot about -- I had 11 a boyfriend at the time. He was pretty 12 interested in that kind of stuff. 13 I was also kind of moving 14 toward Christianity at that point, and he 15 was kind of taking on a mentor role, 16 just, you know, temptations, sins, that 17 kind of stuff. 18 Q. Was your boyfriend at the time 19 named Sean? 20 A. Yes. 21 Q. What was his last name? 22 A. Kirby. 23 Q. When you said you talked to him 24 or he asked you about your boyfriend and

	Page 22	Page 24
1	he was interested in that kind of stuff	1 about issues of intimacy with your
2	— I think those were the words you used	2 boyfriend, I mean, did he ask for details
3	— what kind of stuff was he interested	3 of your personal life, sex life, physical
4	in?	4 life with your boyfriend?
5	A. Just what we did with our time,	5 A. Yes.
6	if we were intimate, how that made me	6 Q. What kind of details was he
7	feel. That's pretty much it.	7 asking about?
8	Q. How what made you feel?	8 A. Where we had sex, how many
9	A. Being intimate with him.	9 times we had sex.
10	Q. Did you think it was	10 Q. Did you answer his questions?
11	appropriate at that time for him to ask	11 A. Yes.
12	you those kinds of questions?	12 Q. Did you tell your boyfriend he
13	A. I wasn't extremely alarmed by	13 was asking you these questions?
14	it. It definitely seemed like something	14 A. I don't think so. Maybe in
15	no other adult has asked me before, but I	15 passing, but he didn't really care, so
16	trusted him. I had a pretty good	16 no.
17	relationship with him, and at that time I	17 Q. Where did he go to school?
18	didn't think it was the weirdest thing.	18 A. He went there with me for the
19	Q. Did you think it was weird at	19 last year as well.
20	all?	20 Q. Where did he go to school
21	A. Looking back, I think it's	21 before then?
22	weird knowing what happened, but at the	22 A. We both were at Lansdale
23	time I wasn't extremely alarmed by it,	23 Catholic.
24	no.	24 Q. Why did you leave Lansdale
	Page 23	Page 25
1	Q. And this is while you were	1 Catholic?
2	still going to FCA, correct?	2 A. I was kicked out.
3	A. Yes.	3 Q. For what?
4	Q. Were all those communications by	4 A. Just getting a bunch of
5	Facebook or electronic means as opposed to	5 demerits, I guess; and incidents, I guess.
6	talking face-to-face about those kinds of	6 Q. Such as?
7	issues including your boyfriend?	7 A. Drinking at a dance, and there
8	A. There was some face-to-face.	8 was an incident with Adderall and
9	Most of the stuff that he said that was	9 Percocet, which Faith was aware of.
10	more related to the intimate stuff seemed	10 Q. Did you tell Mr. Romig in your
11	to not be face-to-face. It was mostly on	11 communication, whether in person or on
12	Facebook, late at night or something.	12 Facebook, your history from Lansdale
13	Q. What's "late at night"?	13 Catholic, the trouble you had been in and
14	A. Like ten or eleven o'clock.	14 why you were going to Faith Christian for
15	Q. Did he ever send you any text	15 your senior year?
16	messages on those same topics?	16 A. I think everybody knew. It was
17	A. I don't believe so.	17 a small school and people talk about
18	Q. Did you have a cell phone at	18 things. I don't really have anything to
19	that time?	19 hide. I was not dealing the Percocet.
20	A. Did I?	20 It was just something I got involved in.
21	Q. Yes.	21 Q. I'm not suggesting you have
22	A. Did I have a cell phone? We	22 anything to hide. I just wondered if you
23	just never really communicated that way.	23 remembered talking about those issues with
24	Q. When you said you spoke to him	24 him directly.

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<p>1 You said he acted as a mentor 2 for you and that type of thing? 3 A. Sure, yes. 4 Q. Are those the types of things 5 you told him about? 6 A. Yes. 7 Q. And you knew Sean Kirby at 8 Lansdale Catholic as well? 9 A. Did I know him? 10 Q. Yes. 11 A. Yes, he was my boyfriend. 12 Q. Was he your boyfriend at 13 Lansdale Catholic as well? 14 A. Yes. 15 Q. Was he kicked out as well? 16 A. Yes. 17 Q. Did you talk to Mr. Romig about 18 that? 19 A. Him being kicked out? 20 Q. Yes, that you were both kicked 21 out for -- 22 A. I talked about myself more, 23 yes. It was the same thing. 24 Q. You said that you weren't</p>	<p>1 a pretty good relationship with him and I 2 was more kind of worried about him -- I 3 don't know -- thinking that he was 4 drinking. 5 I know his wife was having a 6 hard pregnancy and I thought maybe he was 7 just having a bad -- is he lonely or -- 8 I don't know. 9 Q. Did he tell you that he was 10 having problems with his wife? 11 A. He wasn't having problems. She 12 was having problems with her pregnancy, so 13 she wasn't really around and I'm sure 14 that's hard. He never verbalized that to 15 me. That's just an assumption on my 16 part. 17 Q. How do you know his wife was 18 having a hard pregnancy? 19 A. Because I was involved with 20 them. He coached my team. She was at 21 the games. I was friends with his 22 daughter. 23 Q. Which daughter, Chelsea? 24 A. Chelsea. We were all kind of</p>	Page 29
<p>1 overly alarmed 2 BY Mr. Romig asking you about your 3 intimate life with your boyfriend, 4 including details of it: When, what time, 5 how it made you feel, the whens, wheres 6 and whatever. 7 You say, looking back in 8 hindsight, after everything that happened 9 with Mr. Romig afterwards, you can see 10 now that it might be a little weird. 11 The question to you is: At 12 the time when you were in FCA, did you 13 talk about these Facebook Chats and 14 communications you were having with Mr. 15 Romig with any employees of FCA: 16 Administrators, faculty, coaches, any other 17 coaches? 18 A. No. 19 Q. Did you talk to your parents 20 about them? 21 A. I did speak with my parents. 22 As I remember it, I think they caught a 23 glimpse of a Facebook Chat or something. 24 As I said, at that point I had</p>	<p>1 involved in her pregnancy. She was 2 pregnant the year I was there. 3 Q. How friendly were you with 4 Chelsea? 5 A. Pretty friendly. It's a small 6 basketball team. She's a great girl, so. 7 ... 8 Q. Did she ever tell you she had 9 been the victim of sexual abuse as a 10 child? 11 A. No. 12 Q. Did you ever hear that from 13 anybody else? 14 A. I never heard that. 15 Q. As I understand your testimony 16 -- and you'll tell me if I'm wrong -- 17 your parents got a glimpse of one of 18 these Facebook messages while you were 19 still going to school? 20 A. No, I believe that was the 21 summer after. 22 Q. Yes, that's what I want to do, 23 separate the two: What happened while 24 you were actually still at school before</p>	Page 29

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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	<p>you graduated and what happened after you graduated.</p> <p>A. Okay.</p> <p>Q. These chats that you had with him, these messages that you exchanged back and forth on Facebook as a student while he was your coach, involved conversations of these intimate issues between you and your boyfriend.</p> <p>A. Yes.</p> <p>Q. Your sex life with your boyfriend.</p> <p>A. Yes.</p> <p>Q. Correct?</p> <p>A. Yes.</p> <p>Q. Did you tell your mother or father about those conversations with him before you graduated from FCA?</p> <p>A. I don't think so. I might have told my mom in passing, but it wasn't really a big thing until she really saw them, I guess, herself after I graduated.</p> <p>As I said, I might have said</p>	<p>stuff like that, so it wasn't really too far-fetched for him to be asking, although he did seem to go a little bit too far every once in a while, but it wasn't really off-topic.</p> <p>Q. What was going too far? What was he asking you about or what were you discussions with him that you thought was going a bit too far?</p> <p>A. I just think he really shouldn't have been asking. He wanted details: Places, positions, that kind of stuff. It seemed like he was kind of taking that he-doesn't-deserve-that stance that I didn't really like.</p> <p>Q. And did you tell Lauren Fretz or Kayla Young and Chelsea Voleski that he was asking you those types of questions?</p> <p>A. Yes.</p> <p>Q. Did any one of them ever tell you that he was also asking any of them those types of questions or having those kind of communications with him?</p>
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	<p>it like out of concern, like "I think there is something going on with Coach Romig." But no, I don't think I really elaborated too much.</p> <p>Q. Other than telling Sean about these communications you were having with Coach Romig, did you tell any of the other girlfriends or teammates at school?</p> <p>A. Yes, I definitely think I mentioned it to Lauren Fretz or Kayla Young or Chelsea Voleski, who were all teammates.</p> <p>Q. What was Chelsea's last name?</p> <p>A. Chelsea Voleski.</p> <p>Q. Do you know how to spell it?</p> <p>A. V-o-l-e-s-k-i.</p> <p>Q. And what did you tell them?</p> <p>A. Just that I thought he was asking stuff that was a little bit too far. I mean, there is a lot of openness kind of at Faith, people that are willing to talk about temptation.</p> <p>I spoke with many other, you know, teachers just about sinning and</p>	<p>A. No.</p> <p>Q. They never told you?</p> <p>A. They never said anything to me.</p> <p>Q. And you never asked them?</p> <p>A. No, not if they were asked about having sex with their boyfriends. They didn't have boyfriends.</p> <p>Q. Did Mr. Romig in these conversations with you by Facebook or in person ever ask you why you were with Sean Kirby or try to get you to break up with Sean Kirby?</p> <p>A. Yes.</p> <p>Q. Did he tell you if he thought you should do that?</p> <p>A. He just thought he didn't deserve me.</p> <p>Q. Did Mr. Romig make any messages to you or comments to you saying that instead of Sean Kirby, you should be with him?</p> <p>A. No.</p> <p>Q. Did he ever tell you that he wanted to start or was interested in</p>

	Page 34	Page 36
1	starting a physical relationship with you?	1 Q. She was your homeroom teacher?
2	A. No.	2 A. Homeroom teacher, yes.
3	Q. Did you get that impression	3 Q. Okay.
4	from your messages with him and your	4 A. Ms. Alderfer.
5	communications with him that he was	5 Q. Cheryl?
6	interested in you in something other than	6 A. Yes.
7	a mentor-type role?	7 Q. Okay.
8	A. Looking back -- that's why I	8 A. Mrs. Landis.
9	said it's hard to -- no, I wasn't	9 Q. Robin?
10	alarmed. But now, knowing that he was in	10 A. Yes.
11	a relationship with a sixteen-year-old	11 Q. Anybody else?
12	does change your opinion a little bit.	12 A. No.
13	Q. I know it's hard to separate	13 Q. Any other males?
14	what you know now from what you knew back	14 A. Not really.
15	in 2009 or 2008 when I'm asking you these	15 Q. Did you discuss your
16	questions, but let's see if you can go	16 relationship with your boyfriend, including
17	back and just keep it at 2008, what you	17 your sex life, with any of these three
18	knew or what you thought being in 2008,	18 women?
19	before any of this other stuff happened	19 A. I did.
20	later.	20 Q. With who?
21	Did you ever hear any comments	21 A. I mean, he went there, so it
22	from him that gave you the impression	22 wasn't -- they knew who he was, and
23	that he was interested in you in terms of	23 obviously I was not a Christian at the
24	a physical relationship or a	24 time, so everybody knew we were engaging
	Page 35	Page 37
1	non-basketball -- certainly a	1 in sexual activities.
2	non-basketball relationship?	2 I did speak to Ms. Tattaro. I
3	MR. SANTARONE: For	3 spoke with Ms. Alderfer, just not in
4	clarification, you're asking her what she	4 depth, really, but they were aware.
5	thought at the time, not what she's	5 Q. How do you know they were aware
6	thinking now.	6 if you didn't tell them?
7	MR. GROTH: Now.	7 A. Because it's just kind of
8	BY MR. GROTH:	8 implied. I mean, if you've seen us
9	Q. I'm asking you, back in 2008 --	9 together, I guess you would know. Why
10	A. While I was in school.	10 would you not -- what seventeen-year-old
11	Q. -- while you were in school,	11 is not sleeping with their boyfriend of
12	did you get the impression from anything	12 two years.
13	he was saying to you that he was trying	13 Q. If you talked to any of these
14	to get you to consider him as somebody	14 female mentors about that type of issue
15	that you would have a personal or	15 -- your boyfriend issues and aspects of
16	physical relationship with?	16 your physical relationship with him -- did
17	A. Not in 2008, not while I was a	17 they give you any advice?
18	student.	18 Did they try to tell you not
19	Q. Did you have other people at	19 to do that, that it wasn't right, that it
20	FCA at that time who you considered to be	20 was a sin, that it was God-less, all of
21	mentors to you?	21 the above?
22	A. Absolutely.	22 A. All of the above.
23	Q. Name some.	23 Q. When you said that you weren't
24	A. Ms. Tatarro.	24 as Christian at the time, what does that

	Page 38	Page 40
1	mean?	1 the support; it's changed my life.
2	A. It means I was coming from a 3 Catholic school. I really didn't have any 4 beliefs. I wasn't even really a 5 Catholic. I was just there because my 6 parents put me there.	2 Q. During your year at FCA, Faith 3 Christian Academy — and that was your 4 only year there, correct, your senior 5 year?
7	Q. Was it at this time that you 8 are turning more toward religion and 9 considering religious principles more than 10 you had before?	6 A. Correct.
11	A. I got saved my year at Faith.	7 Q. (Continuing) -- did you ever 8 have occasion to talk to any of the 9 pastors about your religious life, your 10 sex life, your relationship with your 11 boyfriend, any issues at all?
12	Q. What month?	12 A. I didn't really talk to any of 13 the pastors there.
13	A. Toward the end, on a trip to 14 Florida with my teammates.	14 Q. Not to Pastor Auckland?
15	Q. The springtime or winter?	15 A. No, I never spoke with him, 16 really.
16	A. Maybe around March or April.	17 Q. Not to Pastor Jones?
17	Q. March or April 2008.	18 A. No.
18	A. Yes.	19 Q. Again, just prior to your 20 graduation from FCA, which had been 21 sometime in June 2008, did Mr. Romig say 22 or do anything to give you the impression 23 or let you know or communicate to you 24 that he found you attractive and wanted
1	Q. And what does that mean, you 2 got saved on a trip with your teammates?	Page 41
2	A. I became a Christian.	1 to have some kind of personal relationship 2 with you?
3	Q. How did that happen? What did 4 you do?	3 A. Not have a personal relationship 4 with me. I mean, there have been times 5 when he told me that I was beautiful and 6 I deserve better than somebody who wasn't 7 respecting me or there for me.
4	A. You don't do anything. You	8 But it's more like a general 9 conversation. It wasn't like "You're 10 beautiful, I want you to be mine."
5	just believe that you're a Christian.	11 Q. That somebody who wasn't there 12 or respecting you, was that supposed to 13 be Sean Kirby?
6	Q. I'm just --	14 A. Yes.
7	A. It wasn't like a ritual or 8 anything, just an internal kind of saving. 9 I just thought that that was the right 10 path for me. I wanted to be a 11 Christian.	15 Q. Did you tell him that Sean 16 Kirby was not respecting you or there for 17 you?
8	I was around a lot of 9 Christians who I really respected and who 10 really helped me through a tough time in 11 my life.	18 A. Yes, he wasn't a great 19 boyfriend. We were seventeen.
9	Q. Is there some kind of 10 announcement you make as a student or as 11 a member at Faith Christian Academy that 12 you've been saved or you've had this 13 conversion or this enlightenment or 14 whatever?	20 Q. Did you have any other male 21 mentors at FCA other than Mr. Romig?
10	A. I did do that, yes, but that's 11 not always the case. Our class took a 12 trip to Florida. We were at a seminary 13 and everyone was kind of just sitting 14 around and talking. It was our last 15 time, really, together, so I did kind of 16 tell everybody, you know, thank you for	22 A. No. I was only there a year.
11		23 Q. Did you ever talk to Robin 12 Landis about relationship issues with your
12		24

	Page 42	Page 44
1	boyfriend or sex issues with your 2 boyfriend? 3 A. Yes. 4 Q. And in what way would you talk 5 to her about those things? 6 A. I was really good friends with 7 her daughter, so I spent a lot of time 8 with her family and at her house. She 9 was a very understanding person. I would 10 speak to her about really anything I 11 needed to. She was a great woman. 12 Q. Did you ever tell her that Mr. 13 Romig -- she was his assistant coach at 14 the time, correct? 15 A. Yes. 16 Q. Did you ever tell her at any 17 time during your senior year that Mr. 18 Romig had asked you questions regarding 19 the when, where, how of your sex life 20 with your boyfriend? 21 A. No. 22 Q. Why not? 23 A. I just didn't. I don't know 24 why not.	1 they were home, so that was really the 2 only time I was there, if they wanted me 3 to be there. 4 Q. Who is "they"? 5 A. Kayla and Lauren. 6 Q. They would ask you to go, not 7 Mr. Romig? 8 A. No, he did ask me to go, but I 9 wasn't going to go by myself. So, if 10 they were around, I would go with them. 11 Q. How many times do you think you 12 went back to FCA to scrimmage or practice 13 with the team? An estimate is fine. I 14 mean, was it once or ten times or twenty 15 times? 16 A. Definitely under ten. It 17 wasn't a whole bunch. It was breaks or 18 something like that where everyone was 19 kind of around. It was more about seeing 20 my friends that had gone to school than 21 seeing anybody else. 22 Q. Did you ever see Mr. Romig 23 after your graduation from FCA? Did you 24 ever see him socially outside of these
	Page 43	Page 45
1	Q. Did you think Mr. Romig would 2 get in trouble if you started telling 3 people that... 4 A. I'm just not the type of person 5 that needs to tell anybody my business. 6 I was handling myself just fine and I 7 didn't really need to speak with her 8 about it. 9 Q. You played basketball your 10 senior year, correct? 11 A. Yes. 12 Q. At FCA? 13 A. Yes. 14 Q. Did you continue to practice 15 with the team after you graduated? 16 A. Yes. 17 Q. During what years? 18 A. Just the year after. Not on a 19 daily basis, but we did pop in there to 20 scrimmage or help out every once in a 21 while. I was going to Gwynedd, so I 22 wasn't far. I was still living at home. 23 Q. Who did you pop in there with? 24 A. Either Lauren or Kayla when	1 practices at the school? 2 A. I did not. I don't think so. 3 Q. Nowhere off the school grounds, 4 no place at a restaurant or gathering 5 place? 6 A. Maybe once or twice he came out 7 to eat or something after we were all 8 there, but not like I ran into him like 9 we invited him to maybe -- I really don't 10 know. I would assume... 11 Q. I'm sorry, go ahead. 12 A. I would assume that he was 13 there. I mean, he was the coach of our 14 team and nobody had any issues with him. 15 Q. It was a group thing. 16 A. Yes. 17 Q. If you had a meal with him or 18 he whatever. It was just not you. It 19 was other teammates as well? 20 A. Of course. 21 Q. How would you describe Lauren 22 Fretz' relationship with Coach Romig in 23 2008? 24 A. They were close.

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1	Q. What does that mean? 2 A. They talked a lot. They spent 3 a lot of time together. They seemed like 4 they were really good friends. I know 5 that they texted a lot or practiced a lot 6 on weekends. 7 Q. What does that mean? 8 A. What does what mean? 9 Q. Practiced a lot on the weekend, 10 not with the team. You mean just the 11 two of them? 12 A. Yes. 13 Q. Where, at the school or 14 someplace else? 15 A. At the school. 16 Q. Did he do that with any other 17 teammates? 18 A. I've been there. It's been 19 like a couple of us have been there. 20 Lauren played a lot of basketball. She's 21 very athletic. It didn't seem that weird 22 to have your coach one-on-one. She was a 23 great player. She scored a thousand 24 points. She was very dedicated.	1 A. Yes, I did that with her. 2 Q. That's what I'm getting at. She 3 wasn't a teammate of yours during your 4 senior year, but you scrimmaged or 5 practiced against her when you went back 6 to FCA after you graduated. 7 A. Yes, I did. 8 Q. How well did you know him? 9 A. I don't know her. As I said, 10 I was at the school for a year. She was 11 not in my grade. I don't really know her 12 at all. 13 Q. Did Eric Romig ever talk about 14 her? 15 A. No. 16 Q. How do you know that Eric Romig 17 texted Lauren Fretz a lot? 18 A. She is a really good friend of 19 mine. I was with her a lot. I saw the 20 phone ringing. 21 Q. Did you ever see any of the 22 texts? 23 A. No.
1	There is not much to do in 2 Sellersville, so to go play basketball on 3 the weekend really is not that. . . 4 Q. Did he ever give you any 5 one-on-one instruction in basketball on 6 the weekend? 7 A. Maybe. 8 Q. You can't recall? 9 A. I cannot recall. 10 Q. Did Mr. Romig ever give any 11 other player other than Lauren Fretz any 12 one-on-one practice on the weekend that 13 you know of? 14 A. I don't think so. 15 Q. Were you a teammate of Emily 16 Mayer's at any time? 17 A. No. She was, I believe, the 18 year after me. I don't think she played 19 on that team. I wasn't close with her 20 like that. I don't believe so. I don't 21 believe so. 22 Q. You're talking about practicing 23 or scrimmaging with the team after you 24 graduated. That would have been the 200	1 Q. Did she ever show you a text? 2 A. No. 3 Q. Did she ever tell you what they 4 were texting or talking about? 5 A. No. 6 Q. Do you know whether or not she 7 and Mr. Romig ever had a physical 8 relationship? 9 A. I don't know. 10 Q. Did she ever tell you that? 11 A. That they had a physical 12 relationship? 13 Q. Physical, yes, like a sexual 14 physical relationship. 15 A. No. 16 Q. Did you ever hear that from 17 anybody else other than Lauren Fretz? 18 A. I think people said that, yes. 19 But I spend a lot of time with her, and 20 I would think that, if that was going on, 21 she would have no problem telling me. But 22 I've never -- I personally never heard 23 anybody say that. 24 Q. I'm not sure I caught exactly

	Page 50	Page 52
1	the first part of that answer, where you 2 said that you've heard something from 3 other people. 4 A. Yes. 5 Q. Who are these other people? 6 A. I mean, specifically I'm not 7 sure. It was definitely a rumor going 8 around that they were maybe spending a 9 little bit too much time together. 10 I mean, obviously they, as I 11 said, were practicing together and seemed 12 to be pretty close. It was a small team. 13 There were only nine of us, I think, so 14 we were all close. 15 Q. These rumors or suspicions that 16 you heard from other people, would those 17 include other students? 18 A. Yes. 19 Q. How about other teachers? 20 A. I never heard a teacher say 21 that they were being -- 22 Q. I'm talking about Ms. Tatarro 23 or Ms. Alderfer or... 24 A. No.	1 inappropriate relationship? 2 A. Did anybody ever tell me? 3 Q. Yes. 4 A. That they were uncomfortable 5 with him? 6 Q. Yes. 7 A. No. 8 Q. Or that Mr. Romig appeared to 9 be interested in another female teammate 10 or another student for an inappropriate 11 relationship. 12 A. I think Lauren felt that way. 13 Q. That Lauren felt that he was 14 interested in her? 15 A. Yes. 16 Q. Did she say why she felt that 17 way? 18 A. No. It's not like she ever 19 said that. I seemed like that was the 20 case. 21 Q. When is the last time you spoke 22 to Lauren? 23 A. It's been years. 24 Q. Years going back to when?
1	Q. Do you know a teacher named 2 Nicole Gross? 3 A. I do. 4 Q. How did you know her? 5 A. She just was around a lot. 6 She used to play sports. She came to 7 games. She was a good fan. She's a 8 very supportive lady. 9 Q. Do you know whether or not she 10 ever told anybody that she suspected that 11 Lauren Fretz and Mr. Romig had an 12 inappropriate physical relationship with 13 each other? 14 A. I've never heard that from her, 15 really. 16 Q. Did you ever discuss that with 17 her at all? 18 A. No. I really wasn't that close 19 with her. 20 Q. Did anybody ever tell you 21 before you graduated that Mr. Romig made 22 them feel uncomfortable or was asking 23 inappropriate questions to them, or seemed 24 to be interested in them in some kind of	1 A. I probably talked to her -- a 2 friend of ours died that graduated with 3 us about two years ago. 4 Q. 2013? 5 A. Right around the time that this 6 whole thing happened, two years ago in 7 November. 8 Q. Yes, but he was arrested in 9 October of 2013. Mr. Romig was arrested 10 then. Would it have been after he was 11 arrested? 12 A. It was. It was the second 13 week of November that he passed. 14 Q. And you saw Lauren then? 15 A. She went to the funeral. 16 Q. Did you talk to her about Mr. 17 Romig's arrest? 18 A. No. She wasn't -- I spoke 19 with her. I don't think she flew back 20 for the funeral. I can't really recall. 21 Obviously it was a terrible tragedy. I 22 wasn't focused on Lauren Fretz. 23 Q. So, you don't recall talking to 24 her at all about Mr. Romig being arrested

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1	for --	1 along those lines.
2	A. I spoke with Kayla Young, who I	2 Q. How long after you graduated
3	guess spoke with Lauren, but I never	3 did that communication take place?
4	spoke with Lauren.	4 Approximately. Was it the same year,
5	Q. Aside from talking to her,	5 like later in the fall or winter, or was
6	either in person or over the telephone,	6 it the next year?
7	do you stay in communication with her by	7 A. I can remember sitting at my
8	Facebook or other electronic or	8 dorm room doing it, so it had to be
9	social-media means?	9 September, I guess, around there.
10	A. I don't stay in contact with	10 Q. Your first semester in college.
11	her. I am friends with her. I don't	11 A. Yes.
12	talk to her. I just kind of see what	12 Q. And at that time -- I guess
13	she's doing. It's Facebook.	13 that's around basketball season for the
14	Q. Did you ever discuss with her	14 girls basketball team at FCA -- is that
15	my sending a letter to talk to me about	15 during the time that you were practicing
16	issues in this lawsuit?	16 with the team on occasion?
17	A. No. I asked Kayla if she had	17 A. Yes.
18	received a letter or spoke with the	18 Q. So, you were seeing him at
19	detectives the way that I did; I also	19 these practices and whatever, and at the
20	asked the detectives. But other than	20 same time you're seeing him at these
21	that, I never had a direct conversation	21 practices he's sending you messages on
22	with her. I don't think I even had a	22 Facebook.
23	phone number at the time.	23 A. Yes.
24	Q. When is the last time you had	24 Q. And when you say these messages
	Page 55	Page 57
1	a Facebook or other social media contact	1 got more intense, I want you to tell me
2	with Lauren Fretz?	2 as much as you can remember about what
3	A. Maybe never. I look at her	3 the messages said.
4	stuff. I don't know what you mean by	4 A. It just seemed like wanted to
5	"contact."	5 meet up, which was never brought up
6	Q. I'm talking about where you're	6 before, to actually hang out or spend
7	sending messages back and forth or	7 some time together, but it wasn't all
8	communicating on social media at all.	8 from a sexual side. It was just to
9	A. No.	9 catch up or just talk. I mean, it's not
10	Q. Twitter or anything like that?	10 like all the messages were sexual, just
11	A. No.	11 some.
12	Q. We're now past your graduation	12 Q. What were the sexual messages
13	from FCA. Now I want to know about your	13 about?
14	communication with Mr. Romig after you	14 A. I guess he just wanted to know
15	graduated. You started telling me about	15 if I was, I guess -- just who I was
16	that before.	16 having sex with.
17	A. Sure.	17 Q. Were you still dating Sean
18	Q. Tell me about any contact you	18 Kirby at that time?
19	had with Mr. Romig after you graduated in	19 A. Not really.
20	2008.	20 Q. You were dating somebody else?
21	A. It's still just Facebook	21 A. No.
22	messages. It seemed to get a little bit	22 Q. Did you answer his questions
23	more intense as far as questioning and	23 about who you were having sex with?
24	maybe wanting to see me or something	24 A. Yes.

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1	Q. Did he ask you more questions 2 about exactly what you were doing with 3 these other people? 4 A. Yes. 5 Q. So, he is asking for details. 6 He's asking for specifics. 7 A. Yes. 8 Q. You didn't find anything strange 9 or weird about that? 10 A. No. I mean, I was nineteen. 11 He really wasn't that old. I don't know. 12 Q. Were you interested in him? 13 Were you attracted to him? 14 A. No. 15 Q. Since these messages are going 16 back and forth the same time that you're 17 scrimmaging with the girls basketball team 18 and Lauren Fretz is still there and Kayla 19 is still there, are you telling them 20 about these messages you're getting from 21 Mr. Romig? 22 A. Not really. 23 Q. Not really. Does that mean 24 never? You never mentioned a single	1 school. 2 A. Yes, but not after -- I thought 3 we were past that. 4 Q. No, I understand that. I just 5 want to make sure I understand your 6 testimony. 7 While you were still at FCA, 8 you did tell Kayla and Lauren about these 9 texts where he was asking you details 10 about your sex life, correct? 11 A. Yes. 12 Q. But you're saying you didn't 13 ask them anything when they got more 14 intense after you left FCA -- and you're 15 practicing with the team and you're 16 scrimmaging and Lauren's there and Kayla's 17 there and whatever -- you didn't tell 18 them that he was still doing it, even 19 though you were no longer at FCA? 20 A. Yes, I just didn't -- I guess 21 the weird factor was gone. I mean, I 22 wasn't a student of his or a student 23 there, and I was young -- I really didn't 24 see anything wrong with it. I mean...
1	message that he was sending you about 2 your sex life and the details of your sex 3 life? You never mentioned that to 4 Lauren? You never mentioned that to 5 Kayla? 6 A. Not about my sex life. I 7 mean, I asked them a couple times "is he 8 talking to you" or "is he still texting 9 you," but I was never like "because he 10 seems to be asking me a lot of 11 questions." 12 I just wanted to know if they 13 were still in contact with him, which 14 they weren't. 15 Q. And when you said you told them 16 that he was asking you a lot of 17 questions, you told them that he was 18 asking you a lot of questions about your 19 sex life, about your boyfriend and... 20 A. No, I didn't tell them that. 21 I just asked them if they were speaking 22 to him. 23 Q. Well, you said you already told 24 them about what when you were still in	Page 59 1 Q. And I'm not trying to be 2 judgmental at all. I'm just trying to get 3 the facts of what was said and what was 4 not said. 5 A. I mean... 6 MR. GROTH: Do you want 7 something to drink? 8 THE WITNESS: No, I'm all right. 9 MR. GROTH: You sure? 10 THE WITNESS: Yes. 11 MR. GROTH: We could get you 12 some cold water, a water bottle. 13 THE WITNESS: I'm fine. 14 MR. GROTH: I know it's a little 15 warm in here. 16 THE WITNESS: It's like really 17 hot in here. Is it just me? 18 MR. GROTH: No, it's not. And 19 the lights are going to make it hotter, 20 too. 21 MR. SANTARONE: And you're 22 asking her the same question over and 23 over again. 24 MR. GROTH: Thanks for that.

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1	MR. SANTARONE: You're welcome.	1 I received a call from Ryan
2	That's exactly what you're doing. You're	2 Clymer a couple months after that, so I
3	not accepting her answer. You're going	3 didn't know if they did it or maybe
4	back and asking her the same question	4 somebody like Kayla or something had
5	over and over again. I think you've been	5 mentioned it to somebody at school. I'm
6	very rude to this witness.	6 not sure who brought it to their
7	MR. GROTH: You can state your	7 attention.
8	objection.	8 Q. Do you know whether or not your
9	MR. SANTARONE: I just did.	9 father tried to contact or did in fact
10	BY MR. GROTH:	10 contact Mr. Romig directly?
11	Q. Did you tell your parents about	11 A. I don't think so.
12	the communications between you and Mr.	12 Q. He never told you that he did?
13	Romig that were taking place after you	13 A. No, he never told me that he
14	graduated?	14 did.
15	A. They saw it.	15 Q. Never told you he had a
16	Q. How did they see it?	16 conversation with Mr. Romig and told him
17	A. I was logged onto my Facebook	17 to back off communicating with his
18	and it popped up and it shows -- you can	18 daughter?
19	go backwards.	19 A. No.
20	Q. Did they read going backwards?	20 Q. Did the messages and the
21	A. I guess so.	21 communications between you and Mr. Romig
22	Q. Did they read some of these	22 end at a certain point?
23	messages going back and forth about your	23 A. They did.
24	sex life?	24 Q. When did they end?
Page 63		Page 65
1	A. Yes.	1 A. When I asked him to stop.
2	Q. What discussions did you have	2 Q. You asked him to stop.
3	with your parents?	3 A. Yes.
4	A. They just wanted to know what	4 Q. Was that close in time to the
5	was going on with it, why he was asking	5 period where your parents saw and read
6	that stuff; if I was kind of egging it	6 through the messages?
7	on or -- and I really said it wasn't	7 A. It wasn't as close -- it wasn't
8	that big of a deal.	8 like my parents found out and I asked him
9	I mean, I can handle myself.	9 to stop. I mean, at some point I just
10	If I don't want to do something, I'm not	10 really had no interest in talking to him,
11	going to do something. If I think he's	11 so I asked him to stop talking to me.
12	being weird, I would have no problem to	12 Q. And did he? Did he stop?
13	say stop talking to me, which he wasn't,	13 A. He did.
14	so...	14 Q. Has Mr. Romig tried to contact
15	Q. Okay. Did your parents do	15 you since he was arrested in October of
16	anything with regard to these	16 2013?
17	communications between you and Mr. Romig	17 A. Absolutely not.
18	after they saw the messages on your	18 Q. Where are you working?
19	Facebook?	19 A. Right now?
20	A. I'm really not sure. I have	20 Q. Yes.
21	no idea if they spoke with somebody or if	21 A. At an eye doctor.
22	they never really addressed it with me.	22 Q. In Lansdale?
23	I would assume that they said something	23 A. No.
24	to somebody, but I honestly don't know.	24 Q. What's the name of it, the eye

	Page 66	Page 68
1	doctor?	1 A. He just wanted to know details
2	A. (No response)	2 about what kind of conversations I was
3	Q. Just in case I have to contact	3 having with him. I'm not sure if that
4	you in the future for some reason and I	4 was the time where the stuff with Emily
5	have trouble getting ahold of you.	5 Mayer came out or word got back to him.
6	A. You have my cell phone number.	6 I have no idea why he called.
7	Q. I do, but cell phone numbers	7 Q. Do you recall what you told
8	change. People move. There are all kinds	8 him, what you told Mr. Clymer?
9	of--	9 A. Yes, I told him what happened.
10	A. My job is going to change as	10 Q. Meaning what?
11	well.	11 A. What was sent, Facebook messages
12	Q. Well, who are you employed by	12 and what was kind of said, I guess.
13	right now?	13 Q. Did you tell Mr. Clymer that he
14	A. That's a weird question. It's	14 had been asking you questions about your
15	EyeMax. I really don't feel you should	15 boyfriend and about your sex life with
16	ever be calling me at work.	16 your boyfriend?
17	Q. I didn't say I was going to	17 A. I did.
18	call you at work, but if this comes to	18 Q. Did you tell Mr. Clymer that
19	trial and I need to contact you for some	19 you had stayed in contact with Mr. Romig
20	reason, I'd like to have more than one	20 after you graduated and that he was still
21	way to try to contact you in case your	21 sending you Facebook messages regarding
22	phone number changes, in case you move,	22 your boyfriend and your sex life?
23	in case you change jobs, whatever.	23 A. I don't believe he asked. I
24	Where are you living right now?	24 don't think he cared what happened after
	Page 67	Page 69
1	A. In West Chester.	1 I graduated. I was nineteen. I'm
2	Q. And what's your residence	2 considered -- why would he care.
3	address?	3 Q. I'm not asking you to get in
4	A. 34 North New Street, West	4 his head. I'm just asking you whether or
5	Chester.	5 not you discussed that with him: That
6	Q. So I'm clear on this: Did you	6 even after you graduated, he was sending
7	at some point ask Mr. Romig to stop	7 you Facebook messages about your sex life.
8	trying to communicate with you?	8 A. That was not the intention of
9	A. Yes.	9 the phone call, I don't believe.
10	Q. In the communications that you	10 Q. Did he give you any details
11	had by Facebook with Mr. Romig after you	11 about why he was asking you any questions
12	graduated, did he ever tell you that he	12 at all?
13	was attracted to you?	13 A. He really didn't.
14	A. Yes.	14 Q. Did you hear from anybody,
15	Q. You mentioned a little bit ago	15 whether it was Mr. Clymer or anybody
16	about a conversation you had with Mr.	16 else, that he was calling you in response
17	Clymer after you graduated. Was that by	17 to some allegations that Emily Mayer had
18	telephone?	18 made about some inappropriate texts that
19	A. Yes.	19 he, Mr. Romig, sent to her?
20	Q. Do you recall approximately what	20 A. I mean, that's just what I
21	year that was?	21 heard through the grapevine. I don't
22	A. Not at all.	22 think that he addressed that with me. I
23	Q. And what was the subject of the	23 mean, I guess he could have. I don't
24	telephone conversation?	24 know. This is like eight years ago.

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1	Q. I understand. Did Mr. Clymer	1 Clymer conversation that you had back
2	ask you whether or not you knew of any	2 around 2009 or so, did Mr. Clymer tell
3	inappropriate relationship between Mr.	3 you that he was contacting you because he
4	Romig and Lauren Fretz?	4 had been given your name by Lauren Fretz
5	A. No. It was a quick	5 to contact?
6	conversation, just wanted to know what was	6 A. No.
7	going on with me personally and then he	7 Q. Mr. Clymer's deposition was
8	hung up the phone.	8 taken in this case earlier, previous to
9	Q. How long do you think the	9 yours.
10	conversation lasted?	10 A. Sure.
11	A. Ten minutes.	11 Q. And on page eighty-seven he
12	Q. Was that the only time since	12 testified that you told your father about
13	you graduated that you had occasion to	13 these Facebook communications Mr. Romig
14	speak to Mr. Clymer?	14 was sending you about your sex life, and
15	A. Yes.	15 that you told him that your father told
16	Q. Did you talk to any of your	16 Romig to stay away from you.
17	former teammates about that conversation?	17 Do you recall telling Mr.
18	A. Yes.	18 Clymer that?
19	Q. To see if they had been	19 A. No.
20	contacted by Clymer as well?	20 Q. Did you ever hear of any
21	A. Yes.	21 instance after Lauren Fretz graduated
22	Q. Who did you speak to?	22 where she is asked to go to some type of
23	A. Kayla Young.	23 athletic banquet with Mr. Romig?
24	Q. And what did you tell her?	24 A. No.
	Page 71	Page 73
1	A. Exactly what happened.	1 Q. Do you know a student named
2	Q. That he had called you, and you	2 Carolyn Eberhart?
3	gave him this information about these	3 A. Yes.
4	messages between you and Mr. Romig while	4 Q. How do you know her?
5	you were a student.	5 A. She went to school with me.
6	A. Yes.	6 Q. Was she on the basketball team?
7	Q. Correct?	7 A. Not my team.
8	A. Yes.	8 Q. Some other team?
9	Q. Did Kayla say whether or not	9 A. I don't know if she played
10	Mr. Clymer had tried to talk to her?	10 basketball when I wasn't there.
11	A. I don't recall.	11 Q. I'm sorry. Did you ever have
12	Q. Did you speak to Lauren Fretz	12 any conversations with her at all about
13	about that conversation with Mr. Clymer?	13 Mr. Romig?
14	A. I did not. I did not. I had	14 A. No.
15	asked Kayla if she spoke with her, and I	15 Q. Do you know Mrs. Fretz, Lauren
16	don't think she did, either.	16 Fretz' mother?
17	MR. GROTH: Let's take a few	17 A. Of course I do.
18	minutes?	18 Q. How do you know her?
19	THE WITNESS: Yes, thank you.	19 A. I was really good friends with
20	(A brief recess was taken)	20 her daughter.
21	MR. GROTH: We're back on the	21 Q. What's her name?
22	record.	22 A. Lauren.
23	BY MR. GROTH:	23 Q. Not the daughter. The mother.
24	Q. Just to finish up with this	24 A. Oh, Mrs. Fretz. Tracy, I want

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1	to say.	1 taking it too far, I guess.
2	Q. Have you ever talked to her 3 about this lawsuit or anything about Mr. 4 Romig's conduct while you were at FCA?	2 Q. And you answered all their 3 questions? 4 A. Yes. 5 Q. Did you answer truthfully? 6 A. Yes. 7 Q. When they asked you whether or 8 not you ever got physical with him, what 9 did you say? 10 A. No. 11 Q. Did you tell the detectives 12 about the Facebook messages that Mr. Romig 13 was sending about your sex life while you 14 were a student at FCA? 15 A. I did. I believe so. 16 Q. Did Mr. Romig ever send you any 17 photos or videos? 18 A. No. 19 Q. Did the detectives ask you 20 whether or not Mr. Romig had ever sent 21 you any texts? 22 A. They did ask me. 23 Q. What was your answer? 24 A. I do not believe he sent me
	Page 75	Page 77
1	Q. Do you remember their names at 2 all? 3 A. Not at all. 4 Q. Does the name Kemmerer ring a 5 bell? 6 A. Yes. 7 Q. Slattery? 8 A. No. 9 Q. Okay. How long did you meet 10 with them? 11 A. About an hour. 12 Q. Did they take a recorded 13 statement from you? I mean by tape 14 recorder. 15 A. Yes. 16 Q. Did you ever hear that 17 statement after you gave it? 18 A. I did not. 19 Q. What kind of questions did they 20 ask you? 21 A. Just what exactly was said to 22 me, if I had any contact with him; if I 23 got physical with him; if I felt like 24 offended by him or felt as if he was	1 any texts. I don't even think I had his 2 phone number. 3 Q. I'm sorry if I asked you this 4 before, but do you know whether or not 5 Mr. Romig was Facebook messaging any other 6 teammates on your basketball team while 7 you were there? 8 A. I don't know. 9 MS. OLSZEWSKI: That's been 10 asked and answered. 11 A. Go ahead. 12 A. I don't know. I have no idea. 13 Q. Did Mr. Romig ever send you a 14 message on Facebook or otherwise, or talk 15 to you in person and tell you that he 16 was in love with you? 17 A. No. 18 Q. Did he ever tell you that he 19 could give you everything that you need 20 and he has so much to offer you? 21 A. While I was in school, you're 22 asking me? 23 Q. At any time. 24 A. It was sort of along those

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1	lines after I graduated.	1 Q. And you don't recall actually
2	Q. I think we already covered	2 getting any handbook from FCA that talked
3	this, but he ask you at some point why	3 about their policies and guidelines with
4	you were still about your boyfriend, that	4 regard to many things, including, for
5	you shouldn't be with your boyfriend?	5 example, alcohol-free policy or sexual
6	A. Yes.	6 abuse policy.
7	MS. OLSZEWSKI: Asked and	7 A. I don't recall getting any of
8	answered.	8 that. I mean, maybe they have it, maybe
9	Q. Did he tell you that the things	9 they don't. I don't remember getting
10	that he was sending to you on Facebook he	10 that. I'm sure I wouldn't read it,
11	was hiding from his wife?	11 anyway.
12	A. He never said "I'm hiding these	12 Q. Let me just show you two
13	things," no.	13 things, and you can tell me if you've
14	Q. You enrolled in FCA for the	14 ever seen these before.
15	2007/2008 school year. Is that correct?	15 A. Sure.
16	A. Yes.	16 Q. The first one is Hollenbach-1,
17	Q. That was your senior year.	17 and it says at the bottom of it "Middle
18	When you enrolled were you given any type	18 and high school student/parent guide," and
19	of student handbook or guidelines that	19 on page twenty-two of that handbook there
20	covered the policies and practices of	20 is a sexual harassment policy.
21	Faith Christian Academy?	21 Let me ask you first whether or
22	A. I don't recall.	22 not you have ever seen that document at
23	Q. Do you recall filling out with	23 all, that handbook at all. You can flip
24	maybe your parents, or maybe without,	24 through it, if you want.
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1	registration forms for the school?	1 MS. CONNOR: David, for
2	A. I would assume you have to fill	2 clarification, is that the current
3	out a registration form.	3 handbook that you obtained from the
4	Q. I'm asking you if you recall	4 internet?
5	doing it.	5 MR. GROTH: That is the
6	A. No; I probably didn't do it,	6 handbook I copied off the internet.
7	anyway.	7 THE WITNESS: I'd never seen
8	Q. During the time that you went	8 it; that doesn't mean I wasn't given it.
9	to FCA, were there ever any instructions	9 As I said, I was a seventeen-year-old.
10	or training or education given to students	10 Who would read this?
11	that you're aware of on the topic of	11 BY MR. GROTH:
12	sexual-harassment abuse or misconduct?	12 Q. The only question I have for
13	A. From teachers?	13 you is, do you recall getting a copy of
14	Q. From anybody at the school.	14 this from the school?
15	A. I don't recall.	15 A. No.
16	Q. What I'm asking you is whether	16 MS. OLSZEWSKI: For
17	or not somebody from the school or	17 clarification, does she recall receiving a
18	somebody that the school brought in to an	18 copy of the parent handbook when she was
19	assembly or to a seminar or just to a	19 a student at the school.
20	class or to female athletes or whatever	20 MR. GROTH: The student/parent
21	to talk to them about the subject of	21 handbook. It says "student/parent" on it.
22	child sexual abuse or harassment and the	22 MS. OLSZEWSKI: You described
23	recognition of it and reporting of it.	23 it as a student handbook.
24	A. No.	24 MR. GROTH: I said

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1	student/parent.	1 from your coaches, your basketball coaches
2	BY MR. GROTH:	2 -- did you play any other sports at FCA?
3	Q. Do you recall seeing anything,	3 A. I played softball, but it was
4	maybe not that specific handbook --	4 outsourced. They don't have a softball
5	A. I don't recall anything. It	5 team. I had to play for another school.
6	was eight years ago, almost nine. I	6 Q. From any of your coaches or
7	don't recall any of this. This is not	7 assistant coach at FCA, did you ever
8	something I would dwell on or stick out	8 receive any education or training or
9	in my brain. This is a handbook.	9 instruction from them on the topic of
10	Q. The only question I'm asking	10 child sexual abuse, reporting or
11	you is if you recall getting a handbook.	11 identifying?
12	A. No, I don't remember. That	12 A. No.
13	doesn't mean I didn't get it. It was	13 MR. GROTH: No further
14	nine years ago.	14 questions. Thank you. The other attorneys
15	Q. When you received a handbook,	15 will get a chance to ask you questions
16	was there ever any discussion about the	16 now.
17	section of the handbook that has to do	17 THE WITNESS: Sure.
18	with sexual harassment?	18 (EXAMINATION)
19	MS. OLSZEWSKI: Objection, asked	19 BY MR. RUSSELL:
20	and answered twice.	20 Q. Kristin, thanks for being here.
21	Q. Go ahead, you can answer.	21 I know it's interrupted your day, and
22	A. No. Is there a policy that	22 we're just going to get some additional
23	Faith has? I don't understand. If	23 information that you may have.
24	they're supposed to give it out, then I	24 When you received this letter
	Page 83	Page 85
1	got it.	1 from Mr. Groth, you didn't call him?
2	Q. Well, you don't recall if you	2 A. No.
3	got it.	3 Q. Why not?
4	A. If they give it every	4 A. I really didn't want to be
5	student and I'm a student, wouldn't I get	5 involved.
6	it?	6 Q. Did you think that the school
7	Q. I didn't say they give it to	7 had done something wrong, "the school"
8	every student. I'm just asking you if	8 being Faith Christian Academy?
9	you got it.	9 A. Not at all. It didn't seem like
10	MR. SANTARONE: She said she	10 something that affected me. I really
11	doesn't remember whether she got it or	11 don't -- they're making it seem like I'm
12	not, so why don't we move on?	12 very involved, but I really wasn't that
13	MS. OLSZEWSKI: For the fifth	13 involved, as far as I'm concerned.
14	time.	14 As I said, I never felt
15	BY MR. GROTH:	15 threatened by him. It's not something I
16	Q. Let me show you another	16 felt like I needed to step into. I
17	document that was marked in Mr.	17 don't know this man. I don't have any
18	Hollenbach's deposition as Hollenbach	18 loyalties to this man.
19	exhibit number two. I'll have you just	19 I love Faith Christian Academy.
20	briefly take a look at that and I'll ask	20 I would never -- I don't need to be
21	you whether or not you recall ever seeing	21 involved if I didn't have to be, but now
22	that document before.	22 that I'm subpoenaed, I guess I have to
23	A. No, I don't recall seeing this.	23 be.
24	Q. Was there ever any discussion	24 Q. You didn't believe that Faith

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1	Christian Academy did anything wrong with	1	to engage in some sort of sexual
2	regard to the information that you relayed	2	activity?
3	to me.	3	A. I don't feel like I did say
4	A. I don't know --	4	that to him, no.
5	MR. GROTH: Objection.	5	Q. With regard to -- what is your
6	A. I don't believe they did	6	date of birth?
7	anything wrong. I mean, it's a personal	7	A. 2/25/1990.
8	matter against Eric Romig and they can't	8	Q. And you were at Faith for one
9	-- I don't know.	9	year?
10	Q. With regard to what you	10	A. Yes, sir.
11	communicated to Ryan Clymer, when he	11	Q. Did you graduate from Gwynedd
12	called you, his deposition indicates that	12	Mercy?
13	he said he spoke to you, and you said	13	A. College?
14	that you received an email from Coach	14	Q. Yes.
15	Romig saying that "I'm attracted to you."	15	A. No. I transferred to West
16	Did you tell him that?	16	Chester and I'm still there.
17	A. I never received an email. I	17	Q. Do you recall whether there was
18	think what he's referring to is probably	18	anything different in what you told the
19	a Facebook mention, and I might have told	19	police versus what you told Ryan Clymer?
20	him that. At the point he had called	20	A. No, I don't think there was
21	after I graduated, it may have already	21	anything different.
22	happened.	22	Q. Do you know that Lauren Fretz
23	Q. Do you recall whether or not	23	also spoke to Ryan Clymer? Did you know
24	you ever told him anything about anything	24	that at all?
		Page 87	Page 89
1	occurring between you and Eric Romig while	1	A. I don't know. She might have.
2	you were a student?	2	I would assume that she did. I mean,
3	A. Well, yes. He did ask exactly	3	instead of calling me over Facebook
4	what happened, and as I said, I did tell	4	messages, I would have assume he would
5	him what happened, that his messages	5	have called her.
6	seemed to be a little bit -- maybe a	6	Q. Did you tell him to call Lauren
7	little inappropriate, but it was nothing	7	Fretz?
8	to be super-alarmed by.	8	A. I might have.
9	Q. You didn't feel threatened by	9	Q. You might have said "Look,
10	them in any way?	10	nothing happened with me, but maybe you
11	A. I didn't feel threatened by	11	want to call Lauren Fretz"?
12	him. I mean, I'm not one of those	12	A. Maybe. I might have. I don't
13	people -- I don't know. I wasn't	13	know. I don't recall.
14	alarmed.	14	Q. Did you ever speak with Emily
15	I can stand up for myself. If	15	Mayer --
16	I felt like he was going too far, which	16	A. I never spoke to her.
17	eventually I did, I told him to stop and	17	Q. Did you know that Emily Mayer
18	he did, so...	18	was -- I'm sorry, strike that. Your
19	Q. And that conversation took place	19	senior year there was a party at the end
20	on the phone after you graduated?	20	of the year. Do you recall whether you
21	A. Yes.	21	and Emily Mayer were at a party together
22	Q. Did you ever tell Mr. Clymer	22	at the end of your senior year?
23	that you felt that Mr. Romig was trying	23	A. My senior year?
24	to manipulate you in some way, coerce you	24	Q. Yes.

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1	A. Maybe.	1 similar things, just practicing with him.
2	Q. Do you recall whether Emily	2 But I personally don't know anything.
3	Mayer engaged in some sort of	3 Like I said, I don't talk to Emily Mayer
4	inappropriate sexual activity at that	4 like that.
5	party?	5 Q. Other than Lansdale Catholic,
6	MR. GROTH: Objection.	6 had you attended any other schools before
7	A. With Coach Romig?	7 coming to Faith?
8	Q. No, with another student.	8 A. I was at North Penn for about
9	There is some allegation that she was	9 three months.
10	engaging in oral sex in front of the rest	10 Q. What happened then?
11	of the party.	11 A. The school year ended.
12	MR. GROTH: Objection.	12 Q. And then you went to Lansdale
13	Q. Do you recall that at all?	13 Catholic or --
14	A. Yes, I recall that.	14 A. No, I went to Lansdale
15	Q. What happened?	15 Catholic. They asked me to leave. I had
16	A. I don't really know what	16 three months left. I went to North Penn
17	happened. I mean, I wasn't worried about	17 for my three months left, and then for my
18	Emily Mayer at a party. I don't care	18 senior year I decided to go to Faith.
19	what Emily Mayer does. She can have sex	19 Q. When you spoke with Ryan
20	with anybody she wants.	20 Clymer, did he ever tell you who else he
21	Q. Mr. Groth asked you about	21 had -- strike that. He never told you
22	Chelsea and whether she was abused as	22 why he was calling you. You thought this
23	child. Did you know that Chelsea	23 it was because of something, the Facebook
24	ultimately was adopted by Mr. Romig?	24 messaging.
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1	A. I did know that.	1 A. He never really said much of
2	Q. So, Chelsea didn't grow up with	2 anything. I mean, I don't know if it
3	Mr. Romig.	3 was really any of my business when he was
4	A. No, I believe they met on Match	4 calling about. It was a quick
5	or something.	5 conversation, so it was not really spoken
6	Q. With his wife, you mean. Mr.	6 about, I don't believe.
7	Romig's wife, they --	7 Q. And just so I'm clear on the
8	A. Stephanie?	8 sequencing of this: When you felt that
9	Q. They met on Match?	9 things were different after you graduated
10	A. Yes, some kind of dating site,	10 between the communication that you had
11	I believe.	11 with Mr. Romig, you didn't call Faith
12	Q. I think you testified that you	12 Christian Academy, right?
13	understood that there was some sort of	13 A. No.
14	stuff going on with Emily Mayer. What	14 Q. Were you ever touched
15	did you mean by that, "stuff"?	15 inappropriately by Mr. Romig while you
16	A. I just heard through the	16 were a student?
17	grapevine that they were maybe talking a	17 A. I was not.
18	lot. I'm not exactly sure what happened.	18 Q. Did you ever at any time
19	I just know that they seemed to	19 believe that you were the victim of
20	have some sort of relationship similar to	20 sexual abuse by Mr. Romig?
21	the relationship he had with Lauren Fretz,	21 A. I did not.
22	just kind of close, talking a lot.	22 Q. And while you were a student,
23	Emily Mayer was also really	23 did you ever believe that he was
24	athletic, so she probably was doing	24 attempting to persuade, induce, entice or

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1	coerce you to engage in sexually explicit	1 A. I don't. I've never seen her
2	activity?	2 name until the subpoena.
3	A. With him?	3 Q. Did you ever meet her parents?
4	Q. Yes.	4 A. No.
5	A. No.	5 Q. Did you know that Emily Mayer
6	Q. Attorney Groth asked you about	6 was on probation her senior year when you
7	a conversation that you had with him.	7 would go back and interact with her at
8	When you first -- and I realize that you	8 the basketball level? Did you know that
9	had contacted him over the phone.	9 she was on probation?
10	When you contacted him over the	10 A. I did not.
11	phone, what was the substance of that	11 MR. GROTH: Objection.
12	conversation?	12 A. I don't know anything about
13	A. I just wanted to see if I	13 Emily Mayer.
14	could move the deposition to a day I had	14 Q. Did you ever hear that, when
15	off. But after speaking with him, I	15 Lauren Fretz was asked about ever having
16	decided it was just better to do what was	16 a relationship with Eric Romig, that she
17	scheduled because, as I said, I don't	17 would say "Eww, yuck"? Did you ever hear
18	really know him.	18 that from anyone?
19	I know that he's not here to	19 MR. GROTH: Objection.
20	look out for my best interests, so I just	20 A. No.
21	figured I would do what the subpoena	21 MR. RUSSELL: I have no further
22	said.	22 questions. Thank you.
23	Q. And then you met here with him	23 MR. SANTARONE: I'm sorry, I
24	this morning again. You were in talking	24 just have a couple follow-up.
	Page 95	Page 97
1	with him when I arrived.	1 (EXAMINATION)
2	A. Yes.	2 BY MR. SANTARONE:
3	Q. And did he ask you any other	3 Q. You talked about going back for
4	questions?	4 the practices with the team and that you
5	A. No. He just explained what was	5 only went -- well, because you wanted to
6	going on.	6 see your friends you graduated with. So,
7	Q. Meaning that you were going to	7 you would go when your friends were home
8	be deposed?	8 on a break.
9	A. Exactly. Who was coming, maybe	9 Were your friends away at
10	what was going to happen first and then	10 college? I know you were at Gwynedd, so
11	everybody else, so nothing. . .	11 you're local. Were they away?
12	Q. Of substance.	12 A. I think they were away. I
13	A. No.	13 know Kayla was at Liberty. I can't
14	Q. Did he tell you at all what	14 remember if Lauren went right to
15	his belief was concerning what Faith	15 California or not.
16	Christian Academy did or did not do?	16 Q. So, if you came back to
17	A. He did not.	17 practice when they were on a break, when
18	Q. Do you have any information	18 the school year started would the first
19	that Faith Christian Academy was	19 break be Thanksgiving?
20	attempting to cover anything up?	20 A. Yes, we definitely did go back
21	A. No.	21 Thanksgiving break.
22	Q. Do you know Elizabeth Nace?	22 Q. Because you talked about
23	She's the plaintiff in this case that Mr.	23 September/October. Is it possible you
24	Groth represents. Do you know her at all?	24 didn't start going back until the first

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1	break, which is Thanksgiving?	1 nothing had happened that alarmed you
2	A. Yes, it's possible.	2 while you were in school?
3	Q. And then maybe over Christmas	3 MR. GROTH: Objection.
4	time, too?	4 Q. Is that possible?
5	A. Definitely over Christmas time.	5 MR. GROTH: Objection.
6	Q. And nobody felt strange or	6 A. I don't recall. As I said, I
7	uncomfortable about going back to practice	7 believe that I told him the truth, which
8	with Mr. Romig's team at that time?	8 was obviously that it was year-round. I
9	A. No.	9 don't know why I would have...
10	Q. And you said that he is the	10 Q. Okay. But what he was asking
11	coach of the team. No one had any	11 you about, you looked at his role as a
12	issues with him, is what you had said,	12 mentor --
13	correct?	13 A. Well, at that point...
14	A. Yes.	14 Q. Back at that point, yes.
15	MR. GROTH: Objection.	15 A. I mean, at that point, that's
16	Q. And afterwards, if the team	16 when he was kind of talking to me a
17	went out or you went out, would you	17 little bit more, so I don't know.
18	invite him along or sometimes he came	18 Maybe I did say like he was
19	along? He might have gone along to get	19 being kind of a little over the line
20	something to eat?	20 right now and I just -- because the
21	A. Why would we not invite him?	21 conversation was so short. I don't know.
22	I'm sure he was invited. I'm sure he's	22 I can't recall what I said to him. I
23	popped up a couple of times. It was	23 really can't. I didn't think it was be
24	nothing to -- it was nothing...	24 a big deal like this.
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1	Q. That's my point: There was no	1 Q. The nature of the conversations,
2	reason why he would not have been	2 when you would -- or in your Facebook
3	invited.	3 conversations, did you reply back to him?
4	A. Right.	4 A. Yes.
5	Q. Your conversation with Ryan	5 Q. So, you're replying back to his
6	Clymer was a number of years ago.	6 wife's account.
7	A. Yes, it was.	7 A. Yes.
8	Q. Because Mr. Clymer, in his	8 Q. So, no reason to think there
9	testimony, said that you said nothing was	9 were any secrets here as to what was
10	going on while you were at school, that	10 being said?
11	he sent you some -- that you had had	11 MR. GROTH: Objection.
12	some kind of communications with after you	12 A. I wouldn't think that he would
13	graduated that might have crossed the line	13 want his wife to read it. I don't know
14	or you were uncomfortable.	14 his personal life or what kind of a
15	MR. GROTH: Objection.	15 couple they were or where they were at in
16	Q. Did you tell him that you	16 their relationship, but he was on her
17	looked at Mr. Romig as a mentor when you	17 account most of the time.
18	were in school?	18 Q. As you said, you knew about her
19	A. I'm not sure. I don't recall	19 pregnancy issues, but you didn't know a
20	what I told him. It was a really short	20 lot about the personal life or his
21	conversation a very long time ago.	21 marriage or how things were.
22	Q. Is it possible that what you	22 A. No idea.
23	told him about was the conversations that	23 MR. SANTARONE: That's all I
24	happened post-graduation? You told him	

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1	have. Thank you.	1 (The witness was excused)
2	MS. KERNAN: I have no	2 (A brief recess was taken)
3	questions. Thank you.	3 MR. GROTH: We're back on the
4	MS. OLSZEWSKI: No questions.	4 record.
5	MR. RUSSELL: I just have a	5 I wanted to put on the record
6	follow-up to that.	6 that I spoke to Ms. Kennedy about reading
7	(EXAMINATION)	7 and signing the transcript, and she said
8	BY MR. RUSSELL:	8 that she would like to get a copy of the
9	Q. Robin Landis -- she was the	9 transcript and read and review it, and
10	assistant coach.	10 attach an errata sheet if there is
11	A. Yes.	11 something wrong with the testimony.
12	Q. (Continuing) -- was she the	12 She asked me to send it to her
13	type of personality that, if you had a	13 parents' address, which is 706 Patricia
14	problem with Coach Romig, that you could	14 Way, Lansdale, Pennsylvania 19446.
15	approach Robin Landis?	15 (The deposition was concluded at
16	A. Absolutely.	16 3:00 p.m.)
17	Q. And you never approached Robin	17
18	Landis --	18
19	A. I did not.	19
20	Q. -- with a problem with Eric	20
21	Romig?	21
22	A. I wasn't really feeling very	22
23	problematic. As I said, it was a little	23
24	bit off, but -- I mean, until you hear	24
	Page 103	
1	that he's in a relationship, it doesn't	
2	seem that weird. I talked to other	
3	people about...	
4	Q. And while you were a student at	
5	Faith Christian you never reported to	
6	anybody, anybody in an official capacity	
7	at Faith Christian, that you felt that	
8	this was an appropriate communication from	
9	Eric Romig.	
10	A. No, I really didn't tell	
11	anybody about that until I was approached	
12	afterwards.	
13	Q. And at that time you were no	
14	longer a student?	
15	A. I was not.	
16	Q. And you were over eighteen.	
17	A. I was over eighteen for a lot	
18	of it.	
19	MR. RUSSELL: I have no further	
20	questions.	
21	MS. KERNAN: No questions.	
22	MR. SANTARONE: Thank you.	
23	MR. GROTH: Thank you very	
24	much. I'll walk you out.	

1 CERTIFICATION

2

3 I hereby certify that the
4 testimony and the proceedings in the
5 foregoing matter are contained fully and
6 accurately in the stenographic notes taken
7 by me and that the copy is a true and
8 correct transcript of the same.

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Lance A. Brusilow

16

Registered Professional Reporter

17

Certified Realtime Reporter

18

19

20 The foregoing certification does
21 not apply to any reproduction of the same
22 by any means unless under the direct
23 control and/or supervision of the
24 certifying shorthand reporter.

1 CERTIFICATION
2
3 -----
4

5 I hereby certify that the testimony and
6 the proceedings in the foregoing matter are
7 contained fully and accurately in the stenographic
8 notes taken by me and that the copy is a true and
9 correct transcript of the same.

10
11 
12 Diane A. Brusilow
13 Certified Realtime Reporter
14 Registered Professional Reporter
15

16 The foregoing certification does not
17 apply to any reproduction of the same by any means
18 unless under the direct control and/or supervision of
19 the certifying shorthand reporter.

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23
24

David Babb

Nace vs. Pennridge School District
August 12, 2015

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
CIVIL TRIAL DIVISION

JAMES NACE, et al : CIVIL ACTION
vs.
PENNBRIDGE SCHOOL DISTRICT, :
et al. : NO. 15-333

Wednesday, August 12, 2015

Videotape deposition of DAVID BABB, held at
1880 John F. Kennedy Boulevard, Sixth Floor,
Philadelphia, Pennsylvania, beginning at 10:05 a.m.,
on the above date, before LANCE A. BRUSILOW, Registered
Professional Reporter, Approved Reporter for the United
States District Court, and Notary Public, there being
present.

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Page 4

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1 THE VIDEOGRAPHER: Stand by. We're now
2 on the video record. This is the video deposition
3 of David Babb, taken by the plaintiffs in the
4 matter of James Nace and April Nace, as guardians
5 of EN, a minor, versus Pennridge School District,
6 et al. in the United States District Court for the
7 Eastern District of Pennsylvania, Civil Action
8 number 15-333, out of the offices of JD Reporting,
9 1880 John F. Kennedy Boulevard, Philadelphia,
Pennsylvania on August 12, 2015. The time is
10 10:06 a.m.

11 I'm David Williams, the videographer.
12 The court reporter is Lance Brusilow. We're from
13 the firm of brusilow + associates in Philadelphia,
14 Pennsylvania.

15 Counsel, will you be please introduce
16 yourself for the record.

17 MR. GROTH: David Groth, for the
18 plaintiff.

19 MR. COX: Robert Cox, for the Pennridge
20 defendants.

21 MS. CONNOR: Carla Connor, for Faith
22 Christian Academy, Russell Hollenbach and Ryan
23 Clymer.

David Babb

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August 12, 2015

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<p>1 MS. KERNAN: Erin Kernan, for the 2 Pennridge Defendants.</p> <p>3 THE VIDEOGRAPHER: The reporter will 4 now swear in the witness.</p> <p>5 DAVID BABB, having been first duly 6 sworn, was examined and testified as follows:</p> <p>7 (EXAMINATION)</p> <p>8 BY MR. GROTH:</p> <p>9 Q. Good morning.</p> <p>10 A. Morning.</p> <p>11 Q. Mr. Babb, my name is David Groth, and I 12 represent the plaintiff, Elizabeth Nace, in the case 13 that's currently pending in the federal district court 14 in Philadelphia.</p> <p>15 You were here yesterday and attended the 16 deposition of Thomas Creeden, the former principal of 17 Pennridge High School. Were you not?</p> <p>18 A. Yes.</p> <p>19 Q. You heard the instructions that I gave him at 20 the beginning of the deposition to help us get through 21 the deposition more quickly and efficiently?</p> <p>22 A. Yes.</p> <p>23 Q. Did you understand those instructions?</p> <p>24 A. Yes.</p>	<p>1 for giving testimony today in this case?</p> <p>2 A. Yes.</p> <p>3 Q. What documents did you review?</p> <p>4 A. The documents that Mr. Cox shared with me.</p> <p>5 Q. And what were those?</p> <p>6 A. Papers from the file of Eric Romig.</p> <p>7 Q. Personnel file?</p> <p>8 A. Yes.</p> <p>9 Q. Okay.</p> <p>10 A. Papers from Mark Ludlow's file, Heath's file 11 and Hart's file.</p> <p>12 Q. Now, the Ludlow and Heath sexual abuse 13 allegations that we talked about with Mr. Creeden 14 yesterday, those occurred well before employment at 15 Pennridge, correct?</p> <p>16 A. Correct.</p> <p>17 Q. The situation with Mr. Hart occurred during 18 your tenure there?</p> <p>19 A. I don't know. I don't remember it. I'm not 20 sure when it was.</p> <p>21 Q. Did you have anything to do with the 22 investigation of it?</p> <p>23 A. No.</p> <p>24 Q. Did you know Mr. Hart?</p>
<p>Page 6</p> <p>1 Q. Do I need to repeat those instructions?</p> <p>2 A. No.</p> <p>3 Q. Okay. Let me just remind you that you are 4 testifying under oath just as if you were testifying in 5 court in front of a judge and jury, and you've taken an 6 oath to tell the truth in response to the questions 7 you're being asked today.</p> <p>8 Let me first ask, what is your full name?</p> <p>9 A. David Sherrill Babb. It's a family name.</p> <p>10 Q. Okay. Where do you live?</p> <p>11 A. Quakertown.</p> <p>12 Q. What's the address?</p> <p>13 A. 12 Red Oak Drive.</p> <p>14 Q. And by whom are you employed?</p> <p>15 A. Pennridge School District.</p> <p>16 Q. In what position?</p> <p>17 A. Athletic director.</p> <p>18 Q. How long have you been in that position?</p> <p>19 A. This is my seventh year I'm starting.</p> <p>20 Q. So, you started in 2008 or '09?</p> <p>21 A. Fall of 2009.</p> <p>22 Q. At the beginning of the school year?</p> <p>23 A. Yes.</p> <p>24 Q. Did you review any documents in preparation</p>	<p>Page 8</p> <p>1 A. No.</p> <p>2 Q. Do you know Mr. Ludlow?</p> <p>3 A. Yes.</p> <p>4 Q. How do you know him?</p> <p>5 A. He's a teacher at the high school.</p> <p>6 Q. Does he have anything to do with the athletics 7 at the high school?</p> <p>8 A. None.</p> <p>9 Q. Any other documents that you reviewed?</p> <p>10 A. That's it.</p> <p>11 Q. Did you read any of the deposition of Eric 12 Romig?</p> <p>13 A. Yes.</p> <p>14 Q. Taken in this case?</p> <p>15 A. Yes.</p> <p>16 Q. When did you do that?</p> <p>17 A. Shortly after I received it from Mr. Cox.</p> <p>18 Q. That would have been back in June or so, 19 maybe?</p> <p>20 A. Sounds correct.</p> <p>21 Q. Did you read the whole transcript?</p> <p>22 A. Yes. It was long. I mean, yes.</p> <p>23 Q. Did you review any other documents?</p> <p>24 A. No. I don't think there was another</p>

2 (Pages 5 to 8)

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	Page 9	Page 11
1	deposition that was sent to us, was there? I don't	1 Q. Okay.
2	think so. I don't think so.	2 A. I taught at Plumstead Christian School from
3	Q. I don't think we have any other --	3 1994 through '98. I was the athletic director.
4	MR. COX: Just Mr. Romig's deposition.	4 Q. Did you say you also taught there?
5	Q. Oh, there was a transcript of the HR person	5 A. Yes.
6	from Quakertown. Did you read that?	6 Q. What course?
7	A. I read that, yes.	7 A. Phys-ed.
8	Q. Any other documents you reviewed?	8 Q. Okay.
9	A. No.	9 A. Quakertown High School from 1998 to 2009,
10	Q. Let me find out about your educational	10 coordinator of student activities. Is that the same
11	background. Starting in high school, can you tell me	11 athletic director? Athletics plus activities, yes.
12	where you graduated, when you graduated, and what	12 Q. What type of activities?
13	formal education you had since high school?	13 A. Clubs.
14	A. Castle Rock High School, 1987; Bucks County	14 Q. Such as.
15	Community College, I'm going to say '93.	15 A. Student government. They had all kinds of
16	Q. Did you get a degree?	16 clubs. They had a yoga club --
17	A. I'm sorry, make that '91.	17 Q. A what?
18	Q. Okay.	18 A. Yoga.
19	A. Associates Degree in Business Administration,	19 Q. Yoga.
20	and I also graduated from Philadelphia College of Bible	20 A. I'm trying to remember some of the clubs. A
21	in 1991, also, and that was a BS in Bible.	21 lot of different ones.
22	Q. Any other formal education?	22 Q. Okay.
23	A. Masters Degree from Temple University in	23 A. They had a legal club, mock trial.
24	Education and Sports Administration.	24 Q. And after that?
	Page 10	Page 12
1	Q. When was that?	1 A. Pennridge High School from 2009 to present.
2	A. 1992 -- '93, I guess. '93.	2 Q. What position?
3	Q. Any education after that, formal education?	3 A. Athletic director.
4	A. No.	4 Q. Any other teaching position?
5	Q. Would you please give me a summary of your	5 A. No.
6	employment history starting after high school? You can	6 Q. Is that a full-time job?
7	estimate or approximate dates and years.	7 A. Yes. It's ten and a half months, but...
8	A. I worked for the University of Pennsylvania,	8 Q. Have you had any other employment at all
9	1991 and '92.	9 unrelated to education?
10	Q. Doing what?	10 A. I've worked --
11	A. It was a co-op internship in their athletic	11 Q. And soccer that you mentioned?
12	department.	12 A. Yes. I've worked sports camps, I've painted,
13	Q. Okay.	13 lifeguarded.
14	A. I worked at Heartland Christian School in	14 Q. Anything else?
15	Seabring, Florida from '93 to '94.	15 A. I think that's pretty much it.
16	Q. What position?	16 Q. When did you first meet Eric Romig?
17	A. I was the athletic director and teacher,	17 A. I met him, interviewed him for a head softball
18	phys-ed teacher.	18 position at Quakertown High School, and I don't know
19	Q. Is that an elementary, high school, middle	19 exactly the year. I can give you an approximate.
20	school?	20 Q. Okay.
21	A. It was K through twelve. I played soccer for	21 A. He coached two years for me at Quakertown, and
22	the Charlotte Eagles in '93.	22 that was 2009 and 2008. And before he coached then, I
23	Q. Is that professional?	23 had a softball coach for two years -- so that would
24	A. It's semi-pro.	24 have been 2007 and 2006 -- named Dave Souder; and

3 (Pages 9 to 12)

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<p>1 before Dave Souder took the position I interviewed Eric 2 Romig for that position. 3 So, it would have been prior to the 2006 4 spring softball season that I first met Eric. So, he 5 did not get the job the first time I met her. Dave 6 Souder got it. 7 Q. And then he re-interviewed for the job in 8 2008? 9 A. Right. 10 Q. And when you say head softball coach, it is 11 girls softball, correct? 12 A. Yes. 13 Q. Is there any boys softball? 14 A. No. 15 Q. Did he have any coaching experience prior to 16 applying for the position at Quakertown? 17 A. He had coached at RASA, Richland Area Softball 18 Association. 19 Q. Is that a club? 20 A. Yes. 21 Q. Is that a paid job; do you know? 22 A. I don't believe so. 23 Q. Did he coach softball? 24 A. Yes.</p>	<p>1 Q. Were there any issues or problems with him 2 there in terms of his coaching or his conduct or 3 behavior toward players or parents or anything of that 4 nature? 5 A. No. 6 Q. Was there a softball player there by the name 7 of Alicia Hughes? 8 A. Yes. 9 Q. Did you know her personally? 10 A. Yes. 11 Q. How did you know her? 12 A. She was a pitcher on the team. 13 Q. Did you ever hear any rumors or comments from 14 anybody to the effect that they thought there might be 15 some inappropriate relationship between Alicia Hughes 16 and Eric Romig? 17 A. No. 18 Q. He coached her, correct? 19 A. Yes. 20 Q. Do you know whether or not -- strike that. 21 Did you know whether or not at the time you were 22 athletic director at Quakertown Eric Romig was coaching 23 for any other club or school? 24 A. No. He may have, but . . .</p>
<p style="text-align: center;">Page 14</p> <p>1 Q. So, he coached for you in 2008. That would be 2 the spring of 2008? 3 A. Correct. 4 Q. And then the spring of 2009. 5 A. Correct. 6 Q. And were you there the whole season in 2009? 7 A. Yes. 8 Q. So, you started the fall of 2010 at Pennridge? 9 A. Fall of 2009 at Pennridge. 10 Q. I'm sorry, fall of 2009. Okay. Did you ever 11 engage in any activity with Mr. Romig of a social 12 nature; that is, separate and apart from his being a 13 coach for you at Quakertown? 14 A. The only time I saw him other than at school 15 or on a softball field was at preschool graduation. He 16 had two twin boys that were in the same class as my 17 middle son. 18 Q. How did Mr. Romig perform as a softball coach 19 at Quakertown? 20 A. I thought he did a great job. 21 Q. Did you evaluate him? 22 A. Yes. 23 Q. Written evaluations? 24 A. Yes.</p>	<p style="text-align: center;">Page 16</p> <p>1 Q. You did not know? 2 A. No. 3 Q. You learned from reading his deposition that 4 he was actually coaching at Faith Christian Academy at 5 the same time that he was coaching at Quakertown, 6 correct? 7 A. I think that was in there, yeah. 8 Q. But you did not know at the time. 9 A. No. 10 Q. He never mentioned it to you at all. 11 A. No. 12 Q. Okay. Mr. Romig was the coach of the softball 13 team throughout the spring of 2009, and that season 14 would have ended in May or so 2009? 15 A. Yes, mid-May. 16 Q. And you were still athletic director at that 17 time. 18 A. Correct. 19 Q. Who took over your position at Quakertown 20 after you left? 21 A. Sylvia Kalazs. 22 Q. Did Mr. Romig coach anything else at 23 Quakertown other than girls softball? 24 A. No, that was it.</p>

4 (Pages 13 to 16)

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<p style="text-align: right;">Page 17</p> <p>1 Q. Do you know if he coached in the fall of 2009 2 any sport at Quakertown? 3 A. I'm going to say no, not that I know of. I 4 was gone by that time. 5 Q. Right. Between the time that you left 6 Quakertown as athletic director and the time that -- 7 strike that. 8 Did Mr. Romig ever apply for a coaching 9 position at Pennridge after you became athletic 10 director there? 11 A. No. He later applied for a girls basketball 12 position. 13 Q. I meant any coaching position. 14 A. Right, no. 15 Q. When did he do that? 16 A. Shortly after he started coaching softball at 17 Pennridge. 18 Q. Okay. Maybe you didn't understand my 19 question. At some point Mr. Romig did apply for a 20 coaching position at Pennridge, correct? 21 A. Right. 22 Q. When was the first time that he applied for a 23 coaching position? 24 A. Well, I talked to him initially for softball.</p>	<p style="text-align: right;">Page 19</p> <p>1 Q. But that's a contract we just looked at, 2 correct? 3 A. Yes. 4 Q. My question is, before applying for that 5 position, did he apply for a coaching position at 6 Pennridge which he didn't get? 7 A. No. 8 Q. You had a position that winter that was open 9 for the softball coach, girls softball coach. Was that 10 posted? 11 A. Yes. 12 Q. Did you get any applicants? 13 A. No. 14 Q. Did Mr. Romig contact you about the position 15 or did you contact Mr. Romig? 16 A. I contacted him. 17 Q. By telephone? 18 A. I think the first contact was most likely 19 through email. 20 Q. Okay. 21 A. But then we did talk on the phone. 22 Q. And tell me about that discussion, what he 23 said, what you said. 24 A. I told him I was looking for a softball coach,</p>
<p style="text-align: right;">Page 18</p> <p>1 Q. Do you know when that was? 2 A. I would think in the winter of -- I'm trying 3 to think... 4 Q. Let me help to refresh your recollection. Let 5 me show you Creeden exhibit two. The first document is 6 Bates-stamped 22851. It's a contract between Pennridge 7 and Eric Romig for the 2011/2012 season. 8 A. Yes, that would be the first -- that was his 9 first season, so yes. 10 Q. So, that would have been the winter of 11 2011/12? 12 A. Right. 13 Q. Did he apply for any position at Pennridge 14 before that that he didn't get? 15 A. No, not while I was there. 16 Q. From the fall of 2009 until the winter of 17 2011. 18 A. Right. 19 Q. Did you have any contact with Mr. Romig at all 20 during that period of time? 21 A. I called him in the winter of 2012 -- I'm 22 thinking it was after Christmas -- looking for a 23 softball coach, but I don't know exactly when that time 24 was.</p>	<p style="text-align: right;">Page 20</p> <p>1 and I asked him if he would be interested. 2 Q. And he said? 3 A. His initial response was no, but that he would 4 get back to me. 5 Q. Okay. Did you ask him what he was currently 6 doing? 7 A. I think I talked to him about heart issues. 8 He had a heart issue, and we talked about that. He said 9 he was recovered from that. That was pretty much our 10 conversation. 11 Q. Did he say the heart issues was? 12 A. I think it was something to do with an 13 irregular heartbeat. 14 Q. Did you ask him if he was currently coaching? 15 A. No. 16 Q. Did you know at that point when you called him 17 that he had left Quakertown? 18 A. Yes. 19 Q. How did you know that? 20 A. I was talking to Sylvia Kalazs, their athletic 21 director, and we usually talk about our needs as far as 22 coaching, and I told her I was looking for a softball 23 coach and she said she was, also, because Eric had 24 resigned.</p>

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<p>1 Q. Did she say when Eric resigned? 2 A. No. 3 Q. Did she say why he resigned? 4 A. She said heart issues. 5 Q. Okay. Did you talk to her before you talked 6 to Mr. Romig? 7 A. Yes. 8 Q. So, by the time you called Mr. Romig you 9 already knew that he had some kind of health issue and 10 that's why he left Quakertown, correct? 11 A. Correct. 12 Q. Yes? 13 A. Yes. 14 Q. So, you called Mr. -- you eventually called 15 Mr. Romig and spoke to him about the coaching position 16 at Pennridge, and you had some discussion about his 17 health issue to make sure that was cleared up, correct? 18 A. Yes. 19 Q. And that he was, at least health-wise, able to 20 perform the duties of a coach. 21 A. Yes. 22 Q. What other things did you discuss with Mr. 23 Romig at that time? 24 A. That was it.</p>	<p>1 Q. And you said at first he didn't want the job? 2 A. Correct. 3 Q. Was that the end of that conversation? 4 A. He said he wasn't interested, but I think it 5 was kind of like he would think about it. 6 Q. Okay. And you had a subsequent discussion 7 with him. 8 A. Right. 9 Q. How long after that? 10 A. I'd say maybe -- at least a week after that. 11 Q. Did he call you or did you call him? 12 A. I'm not sure. 13 Q. What was said in that conversation between the 14 two of you? 15 A. He said he could coach. 16 Q. Did he say he wanted the job? 17 A. Yes. 18 Q. Okay. At that point did you then question him 19 about any of his health or coaching situations? 20 A. No. 21 Q. Did you request that he provide you with any 22 information about his employment between 2009 at 23 Quakertown and 2012 when he was going to coach the 24 softball team at Pennridge?</p>
<p style="text-align: center;">Page 22</p> <p>1 Q. Did you ask him if he had coached anywhere 2 else after Quakertown since he left there at the end of 3 2009 and this is now the winter of 2011? 4 A. No. 5 Q. Did you ask him if he had -- strike that. Did 6 he mention to you that he had coached somewhere else in 7 2009 that you might not have been aware of? 8 A. No. 9 MR. COX: Object to the form. 10 Q. Did he mention to you at all in that 11 conversation that he had also coached basketball at 12 girls -- girls basketball at Faith Christian Academy? 13 MR. COX: Object to the form. You can 14 answer. 15 A. No. 16 Q. Did he make any mention at all of any 17 employment connection that he had with Faith Christian 18 Academy? 19 A. No. 20 Q. Other than asking him if he would be 21 interested in the position, did you ask him for any 22 other information about him personally or about 23 coaching, anything at all? 24 A. No.</p>	<p style="text-align: center;">Page 24</p> <p>1 A. No. 2 Q. So, would it be fair to say that you didn't 3 really conduct an interview of him during those 4 teleconferences? You simply asked him if he wanted a 5 job and he finally or eventually said yes, he did? 6 Would that be a fair statement? 7 A. You know, as far as an interview, I'm sure we 8 talked about, you know, what the job would entail, who 9 he would be working with, what the makeup of the team 10 was, how things were run at Pennridge. So, in that 11 regard, you know, there was an interview. 12 Q. And that happened during that telephone 13 conversation? 14 A. Yes. 15 Q. You never had an in-person interview with him, 16 correct? 17 A. No. 18 Q. And Paul Koehler, the head varsity softball 19 coach, did he have an in-person interview with Mr. 20 Romig about the job? 21 A. I know they talked. I know they met. 22 Q. How do you know that? 23 A. From what they told me. 24 Q. When?</p>

6 (Pages 21 to 24)

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	Page 25	Page 27
1	<p>A. I asked Paul to contact him. Paul's the head coach.</p> <p>Q. Right.</p> <p>A. And to let me know what his input was.</p> <p>Q. How do you know they met?</p> <p>A. I know they talked about the position.</p> <p>Q. I meant --</p> <p>A. I wasn't there physically when they met.</p> <p>Q. I was making a distinction between them talking on the phone and meeting.</p> <p>You read Mr. Romig's transcript. Did you read the section where he said he never met Mr. Koehler before he was hired in person?</p> <p>A. Okay.</p> <p>Q. Do you recall that testimony?</p> <p>A. I don't.</p> <p>Q. So, you don't have any personal knowledge that he actually met the head coach before he was hired by Pennridge, correct?</p> <p>A. Correct.</p> <p>Q. Up until that time when he was hired in the winter of 2011 and '12, there is no date on this contract that's part of Creeden exhibit two, is there?</p> <p>A. Nothing from the applicant that's signed. The</p>	<p>1 A. Yes.</p> <p>2 Q. And those were held once a year?</p> <p>3 A. There's District 1 meetings that are held twice a year.</p> <p>4 Q. Where back then?</p> <p>5 A. Westover Country Club.</p> <p>6 Q. And what's discussed at those meetings?</p> <p>7 A. They go over rules, rules changes, proposed rules.</p> <p>8 Q. Anything else?</p> <p>9 A. Usually news.</p> <p>10 Q. In any of those PIAA conferences, did they ever discuss issues of sexual harassment between coaches and players?</p> <p>11 A. No, not to my knowledge.</p> <p>12 Q. You knew Mr. Hollenbach since 1994. Did he attend those PIAA conferences as well?</p> <p>13 A. I would think.</p> <p>14 Q. Do you recall seeing him at the conferences?</p> <p>15 A. When I was at Plumstead Christian they were not a PIAA school, and I don't believe Faith Christian was a PIAA school back then. They may have been, so I did not attend until I was at Quakertown.</p> <p>16 So, the first time I would have seen him at a</p>
1	<p>only date is the school year that he would be coaching.</p> <p>Q. That's what I'm saying, though: There is no date that the contract was actually signed.</p> <p>A. Right.</p> <p>Q. All right. Up until that time did you know a gentleman named Russell Hollenbach?</p> <p>A. Yes.</p> <p>Q. How did you know him?</p> <p>A. Mostly from working with him when I was at Plumstead Christian school. We played against Faith Christian.</p> <p>Q. You knew him from playing against Faith Christian's teams.</p> <p>A. Right.</p> <p>Q. And did you know him to be the athletic director at Faith Christian?</p> <p>A. Yes.</p> <p>Q. When did you first meet him?</p> <p>A. I can't tell you for sure, but I would think I talked to him each school year that I was at Plumstead Christian School. So, that would have been '94.</p> <p>Q. As part of your duties as athletic director at Quakertown, were you required to go to PIAA conferences?</p>	<p>1 PIAA meeting would be my first year at Quakertown.</p> <p>2 Q. 1998?</p> <p>3 A. Correct.</p> <p>4 Q. Did you ever have any social relationship with Mr. Hollenbach outside of your position as athletic director at schools?</p> <p>5 A. No. I've only seen him at a meeting and I saw him at a game at Faith one time.</p> <p>6 Q. Do you belong to a church?</p> <p>7 A. I'm not a member. I go to a church.</p> <p>8 Q. What church is that?</p> <p>9 A. Calvary Church of Soudertown.</p> <p>10 Q. Since what time?</p> <p>11 A. Since 1998.</p> <p>12 Q. Do you know if Mr. Hollenbach has ever been a member of that church?</p> <p>13 A. I do not know. I've never seen him there.</p> <p>14 Q. Tell me about the hiring procedure that was followed at Pennridge for assistant coaches back in 2011/2012.</p> <p>15 What was the procedure that was suppose to be followed in hiring an assistant coach such as Mr. Romig or any other assistant coach?</p> <p>16 A. A position is posted through human resources.</p>

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<p>1 I accept the applications, if there are any, and I 2 interview them. I also take the input of the assistant 3 coaches.</p> <p>4 Q. Assistant or head coaches?</p> <p>5 A. I'm sorry, head coach. And then a candidate 6 is taken to the school board for approval.</p> <p>7 Q. Taken by whom?</p> <p>8 A. I'll send up the posting with a name on it so 9 that it can be filled.</p> <p>10 Q. Does that go through the HR department?</p> <p>11 A. Yes.</p> <p>12 Q. So, it's the HR department that presents it to 13 the school board?</p> <p>14 A. Correct.</p> <p>15 Q. And who was the head of the HR department back 16 in 2011/12?</p> <p>17 A. Ray Scarpantonio.</p> <p>18 Q. Did Mr. Creeden have any input into that 19 process at all?</p> <p>20 A. Yes.</p> <p>21 MR. COX: Object to the form. You may 22 answer.</p> <p>23 A. Yes. A lot of times I would say this is the 24 candidate we're taking to be approved.</p>	<p>1 coach)." Does that mean that he would be the JV coach, 2 the JV head coach, and the assistant varsity coach?</p> <p>4 A. He would coach the JV team. That would be his 5 first responsibility.</p> <p>6 Q. And he would be the head coach of that.</p> <p>7 A. He would be the head coach of that.</p> <p>8 Q. Okay.</p> <p>9 A. The head coach would oversee the varsity team 10 and the JV team and the freshman team, if there is a 11 freshman team, but he would still be part of that 12 softball staff.</p> <p>13 Q. Including the varsity team.</p> <p>14 A. Right.</p> <p>15 Q. Okay. So, if the varsity team, for example, 16 played longer during a season than the JV team, he 17 would be an assistant coach on the varsity team.</p> <p>18 A. His season ended with the JV team, so he was 19 on a contract. He was paid as soon as the JV season 20 was over.</p> <p>21 Q. I'm not sure that answered my question. He's 22 listed on this contract as an assistant varsity coach, 23 is he not?</p> <p>24 A. Yes, that's what it says.</p>
<p style="text-align: center;">Page 30</p> <p>1 Q. Other than you telling him you have a 2 candidate and this is the person's name, did he have 3 any other vetting function?</p> <p>4 A. I would ask him for input from time to time, 5 yes.</p> <p>6 Q. What type of input?</p> <p>7 A. Some of the candidates that applied, and run 8 them by him for his input.</p> <p>9 Q. If you had multiple candidates or you wanted 10 to go over their qualifications with him, that type of 11 thing, before making a decision?</p> <p>12 A. If it was a teacher in the building, you know, 13 what he thought about that teacher coaching, also.</p> <p>14 Q. In terms of actually making the offer for the 15 job to the applicant, that was your function?</p> <p>16 A. Yes.</p> <p>17 Q. And it was your decision?</p> <p>18 A. Yes.</p> <p>19 Q. That decision had to be approved by somebody, 20 but initially it was your decision?</p> <p>21 A. Correct.</p> <p>22 Q. The position for which you hired Mr. Romig, if 23 you look back at Creeden exhibit two, the first page, 24 page 22851, was softball varsity and then it has "(JV</p>	<p style="text-align: center;">Page 32</p> <p>1 Q. And the varsity season might last longer than 2 the JV season, correct?</p> <p>3 A. Correct.</p> <p>4 Q. There might be more games and there might be 5 playoffs, correct?</p> <p>6 A. Correct.</p> <p>7 Q. And that could go all the way until the end of 8 May, correct?</p> <p>9 A. Correct.</p> <p>10 Q. When did the JV season end in 2012? Do you 11 know?</p> <p>12 A. I would say mid May. I'm not sure exactly 13 what the date is.</p> <p>14 Q. So, the varsity season may have lasted a 15 couple weeks longer, until the end of May.</p> <p>16 A. Correct.</p> <p>17 Q. And during that time would he be sitting in 18 the dugout, sitting on the bench, participating in the 19 games of the varsity team?</p> <p>20 A. He can.</p> <p>21 Q. He can.</p> <p>22 A. He does not have to.</p> <p>23 Q. Do you know if he did?</p> <p>24 A. He did.</p>

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<p>1 Q. You said he is paid at the conclusion of the 2 JV season. What method of payment was used to pay him? 3 A. A check. 4 Q. Issued by whom? 5 A. The school district. 6 Q. For this amount on the contract, \$2,530? 7 A. Yes, minus taxes.</p> <p>8 MR. GROTH: I'm going to request a copy 9 of that check, and I'll do a separate request for 10 production of documents from Pennridge.</p> <p>11 BY MR. GROTH:</p> <p>12 Q. There is a certain amount of paperwork that 13 has to be done in order for the hiring of the coach to 14 be completed. Is that correct? 15 A. Correct. 16 Q. Who is responsible for actually assembling and 17 making sure all the paperwork is completed? 18 A. HR does that checklist there. 19 Q. Would you turn to that third page in? Looking 20 at page 22853 of exhibit two, Creeden exhibit two, it's 21 a checklist of forms and background checks and whatever 22 that have to be completed in order to have the 23 applicant become an employee of Pennridge as a coach, 24 correct?</p>	<p>1 A. You know, we went over logistics of what it 2 would be like to coach here: This is where the 3 training room is; this is where the bus picks up the 4 kids; this is how we get them out of class; this is who 5 handles your umpires; this is who handles, you know, 6 your field preparation, things like that. 7 Q. Did you introduce him to Coach Koehler? 8 A. I'm not sure. I may have at that time. I'm 9 not sure. 10 Q. Did he actually sign the contract at that 11 time? 12 A. I'm not sure, but I believe so at that time. 13 Q. Go to page 22858, please, in Creeden exhibit 14 two. 15 A. 225? 16 Q. 22858. That document states that it is the 17 application for service staff personnel. Is that the 18 employment application for somebody that is applying 19 for a coaching position? 20 A. Yes. 21 Q. And this is the application that was given to 22 you or filled out by Mr. Romig for you before he was 23 hired in 2011/12, correct? 24 A. Yes.</p>
<p>1 A. Correct. 2 Q. And who actually does this checklist? Is this 3 an HR checklist or your checklist? 4 A. That's HR. 5 Q. At any time before Mr. Romig actually signed 6 the contract for the 2011/2012 season, did you meet him 7 personally? 8 A. I'm not sure. I know he was in my office. 9 You're saying prior to what time? 10 Q. Prior to actually signing the contract, 11 whatever date it was signed on. We don't have a date. 12 MR. COX: I assume you mean after they 13 knew each other at Quakertown. 14 MR. GROTH: No. I'm talking about 15 after the telephone calls where he offered the 16 position and Romig accepted the position.</p> <p>17 BY MR. GROTH:</p> <p>18 Q. Did you meet with him at all? 19 A. Yes, I know he came in before the season. 20 Q. Okay. And the season starts in March? 21 A. March, early March. 22 Q. March of 2012. 23 A. Correct. 24 Q. What did you talk about then?</p>	<p>1 Q. There are a number of boxes on page two of 2 that application form to give his complete employment 3 history, and on that form it only lists one employer, 4 R&R Service Group, correct? 5 A. Yes. 6 Q. You had hired coaches before Mr. Romig, 7 correct? 8 A. Yes. 9 Q. Coaches that had been employed at other 10 schools for other sports? 11 A. Yes. 12 Q. Would those coaches generally put on their 13 employment history their paid employment history as 14 coaches? 15 MR. COX: Objection to form. You can 16 answer. 17 A. I guess, yes. 18 Q. I don't want you to guess. You've looked at 19 employment applications ever since you've become the -- 20 A. This is the employee -- 21 Q. Hold on. You've looked at employment 22 applications ever since you've become the athletic 23 director at Pennridge. And I'm asking you, typically 24 or generally, do the people who apply for coaching</p>

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<p>1 positions list their prior coaching positions in this 2 employment history?</p> <p>3 A. Yes.</p> <p>4 Q. You see here that Mr. Romig did not list any 5 employment position as a coach. Is that correct?</p> <p>6 A. Yes.</p> <p>7 Q. Did you review this application when he 8 submitted it?</p> <p>9 A. No.</p> <p>10 Q. This goes right to HR?</p> <p>11 A. Yes.</p> <p>12 Q. And you see it doesn't even have his position 13 at Quakertown as a coach on here.</p> <p>14 A. Correct.</p> <p>15 Q. Okay. If you do not see these generally -- if 16 these are submitted directly to HR -- how do you know 17 on other applications for coaching positions that 18 applicants have actually listed their coaching 19 positions, prior coaching positions?</p> <p>20 A. Usually if I don't know the candidate, I'm 21 working off of their resume.</p> <p>22 Q. Okay. And you would expect them to list their 23 coaching positions on their resume?</p> <p>24 A. Yes.</p>	<p>1 Q. And you don't recall asking him any questions 2 about Faith Christian, correct?</p> <p>3 A. No.</p> <p>4 Q. On the next page -- I'm sorry, two pages over. 5 On page 22861 of Creeden exhibit two, there are 6 personal references listed: Russ Hollenbach, Marc 7 Hoover and Ray Hunsberger. You knew Mr. Hollenbach, 8 correct?</p> <p>9 A. Correct.</p> <p>10 Q. Who was Mark Hoover?</p> <p>11 A. He's a friend of Eric's.</p> <p>12 Q. Did you know that at the time that he applied 13 for this job?</p> <p>14 A. No.</p> <p>15 Q. How about Ray Hunsberger?</p> <p>16 A. I don't know him.</p> <p>17 Q. Okay. Did you call any of these references 18 listed on Mr. Romig's application to Pennridge to ask 19 them any questions about their knowledge of his 20 performance as a coach or as a friend or an employee or 21 whatever?</p> <p>22 A. No.</p> <p>23 Q. Okay. Is that something that is supposed to 24 be done under the employment policies in effect at</p>
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<p>1 Q. So, as of the time Mr. Romig was hired, the 2 only coaching position that you knew that he had at a 3 school prior to working at Pennridge was at Quakertown.</p> <p>4 A. Yes, I knew he had coached at Quakertown. I 5 may have known he was at Faith. I'm not sure. I can't 6 tell you for sure.</p> <p>7 Q. I thought we went over that a little bit 8 before, but let me just make sure I understand your 9 testimony.</p> <p>10 Prior to Mr. Romig actually signing the first 11 contract with Pennridge for the 2011/2012 season, did 12 you have any knowledge or information that he had done 13 any coaching at all at Faith Christian Academy?</p> <p>14 A. I'm going to say no, but I'm not sure. He 15 might have said something to me, but I'm not sure.</p> <p>16 Q. If he had said something to you about 17 coaching -- if he had, assuming he had, said something 18 to you about coaching at Faith Christian -- is that 19 something you would typically discuss with an 20 applicant, how his performance was, how he conducted 21 himself as a coach at a previous school?</p> <p>22 MR. COX: Object to the form. You can 23 answer.</p> <p>24 A. Yes.</p>	<p>1 Pennridge back in 2011/2012?</p> <p>2 A. We do check their references; not every 3 reference.</p> <p>4 Q. In this case you didn't check any reference.</p> <p>5 A. You know, I had a reference myself working 6 with him. I talked to Sylvia Kalazs, you know, when he 7 was leaving, and she said there were no issues.</p> <p>8 Q. But you did not check any of the personal 9 references he listed on his employment application.</p> <p>10 A. No.</p> <p>11 Q. And you also did not contact the only previous 12 employer that he mentioned in Mr. Romig's application, 13 which was R&R Service Group, correct?</p> <p>14 A. Correct.</p> <p>15 Q. Go to page 22865 of Creeden exhibit two, 16 please. What is this document?</p> <p>17 A. Looks like this is a Pennridge School District 18 Staff Computer and Information Systems User Agreement.</p> <p>19 Q. Is this something that's requested of all 20 coaches or assistant coaches, something that's required 21 to be signed?</p> <p>22 A. I think it's all employees.</p> <p>23 Q. All employees at the school district, correct?</p> <p>24 A. Correct.</p>

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<p style="text-align: right;">Page 41</p> <p>1 Q. And is this an HR form? This is something you 2 wouldn't generally have anything to do with. Is that 3 correct?</p> <p>4 A. Right.</p> <p>5 Q. The criminal background checks that are done, 6 are those done -- strike that. Are those checks given 7 directly to the HR department as opposed to given to 8 you to give to the HR department?</p> <p>9 MR. COX: Object to the form. You can 10 answer.</p> <p>11 A. Yes, they're given to the HR.</p> <p>12 Q. Do you ever see them at all?</p> <p>13 A. I do see them. Sometimes a coach will bring 14 them in and I'll tell him to go straight to HR.</p> <p>15 Q. The coaches themselves have to request a check 16 as opposed to the school requesting them?</p> <p>17 A. Correct, the coaches do it.</p> <p>18 Q. Go to page 22874 in Creeden exhibit two, 19 please. This is an evaluation -- assistant coach 20 evaluation form, date of evaluation 6/6/2012 for Eric 21 Romig. Is this a form that you filled out?</p> <p>22 A. No.</p> <p>23 Q. Who did?</p> <p>24 A. Coach Koehler.</p>	<p style="text-align: right;">Page 43</p> <p>1 things that would be sexually inappropriate.</p> <p>2 Q. Is sexting specifically mentioned in that 3 policy; do you know?</p> <p>4 A. I believe it's -- I can't say for sure.</p> <p>5 Q. Okay. I want you to take a look at Creeden 6 exhibit one. It's called "employment of district 7 staff." It has the number 304. Have you ever seen 8 that document before?</p> <p>9 A. I'm sure I've seen it. You know, I haven't 10 really delved into it.</p> <p>11 Q. On the second page of that document it states, 12 about three-quarters of the way down, The 13 superintendent or designee shall seek recommendations 14 from former employers and others in assessing the 15 candidate's qualifications. Recommendations and 16 references shall be retained confidentially and for 17 official use only."</p> <p>18 Would it be fair to say, with regard to the 19 hiring of Mr. Romig by you, that you basically relied 20 on your own former history with Mr. Romig and didn't 21 check any further references, either in terms of 22 employer references or personal references?</p> <p>23 MR. COX: Objection to the form. You 24 may answer.</p>
<p style="text-align: right;">Page 42</p> <p>1 Q. Is this a form that he has to submit to you 2 for your review?</p> <p>3 A. Yes.</p> <p>4 Q. And did he do that?</p> <p>5 A. Yes.</p> <p>6 Q. Were there any issues, problems, concerns 7 about Eric Romig's coaching performance after his first 8 year coaching the JV girls softball team and being an 9 assistant coach to the varsity team?</p> <p>10 A. No.</p> <p>11 Q. When Mr. Romig was first hired by Pennridge 12 for this first season that he coached, was there any 13 texting policy, written policy, at Pennridge High 14 School with regard to any staff members, faculty, 15 administration, coaches, whatever, and students?</p> <p>16 A. Not that I know of.</p> <p>17 Q. Is there any now that you know of?</p> <p>18 A. Not that I know of.</p> <p>19 Q. Was there any sexting policy in place at any 20 time during the time that you've been at Pennridge?</p> <p>21 MR. COX: Object to the form. You can 22 answer.</p> <p>23 A. There is a policy for sexual harassment that 24 says you can't, you know, touch, write, you know,</p>	<p style="text-align: right;">Page 44</p> <p>1 A. I checked references on him when I first hired 2 him at Quakertown, and I checked at Quakertown after I 3 had left.</p> <p>4 Q. Thank you for that information; that's not 5 what I asked you. This is Pennridge's policy that you 6 had to follow while you were athletic director at 7 Pennridge, correct?</p> <p>8 A. Correct.</p> <p>9 Q. Okay. My question is, in hiring Mr. Romig, 10 would it be correct to say -- hiring Mr. Romig at 11 Pennridge, not at Quakertown -- that you did not check 12 any of his employer or personal references that were 13 given on his application?</p> <p>14 MR. COX: Objection to the form. You may 15 answer.</p> <p>16 A. Yes, I did not contact those references.</p> <p>17 Q. You've been athletic director at Pennridge 18 since 2009. During that period of time, between 2009 19 and 2013, did you personally receive any in-service, 20 meaning in-school, training or instruction with regard 21 to the school's unlawful harassment policies, including 22 the sexual harassment policy?</p> <p>23 A. Not that I know of.</p> <p>24 Q. Okay. Were you ever instructed to actually</p>

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<p style="text-align: right;">Page 45</p> <p>1 obtain a copy and read whatever unlawful harassment, 2 including sexual harassment, policy was in effect at 3 Pennridge High School between 2009 and 2013?</p> <p>4 A. I received a Pennridge professional handbook 5 manual with it.</p> <p>6 Q. Professional employee handbook?</p> <p>7 A. Yes.</p> <p>8 Q. Did you read it?</p> <p>9 A. Yes.</p> <p>10 Q. Between 2009 and 2013 were the head coaches 11 and assistant coaches provided with written copies of 12 the unlawful harassment, including sexual harassment, 13 policies of Pennridge High School?</p> <p>14 A. No.</p> <p>15 Q. Were you ever asked to do that, to provide 16 your coaches and assistant coaches with copies of those 17 policies by anybody above you in the administration, 18 including Mr. Creeden or the superintendent or anybody 19 else?</p> <p>20 A. No.</p> <p>21 Q. Other than being provided a copy of the 22 professional employees handbook, have you ever received 23 any instruction from any source inside Pennridge or 24 outside Pennridge with regard to the issues of sexual</p>	<p style="text-align: right;">Page 47</p> <p>1 Q. Did you take whatever information you obtained 2 from those meetings about unlawful harassment, 3 including sexual harassment, and give a discussion or 4 have a discussion with your head coaches or assistant 5 coaches about that information?</p> <p>6 A. (No response)</p> <p>7 Q. Up until 2013.</p> <p>8 A. Yes, not to my knowledge.</p> <p>9 Q. So, would it be fair to say that the head 10 coaches and assistant coaches at Pennridge High School 11 between 2009 and 2013 basically got no training or 12 instruction or guidance or direction with regard to 13 Pennridge's unlawful harassment or sexual harassment 14 policies?</p> <p>15 A. They would get a coaching handbook. That 16 would not be in the handbook, but it would ask them to, 17 you know, as an employee, follow the procedures of 18 Pennridge School District.</p> <p>19 Q. Is there a new handbook for every year?</p> <p>20 A. No.</p> <p>21 Q. It's been the same handbook for a number of 22 years?</p> <p>23 A. Yes.</p> <p>24 MR. GROTH: I'm going to ask for a copy</p>
<p style="text-align: right;">Page 46</p> <p>1 harassment and unlawful harassment?</p> <p>2 A. I've taken a National Federation of High 3 School Sports online class on creating a safe 4 environment.</p> <p>5 Q. When was that?</p> <p>6 A. That was last school year.</p> <p>7 Q. 2015.</p> <p>8 A. Correct.</p> <p>9 Q. So, nothing before Mr. Romig was hired and 10 nothing during his tenure at Pennridge.</p> <p>11 A. Correct. We have every year a faculty meeting 12 where the HR director would come out and talk about 13 that. So, if you would count that as training.</p> <p>14 Q. Would you attend those meetings yourself?</p> <p>15 A. Yes.</p> <p>16 Q. But you're not faculty.</p> <p>17 A. Right.</p> <p>18 Q. Why would you attend?</p> <p>19 A. I've been asked to.</p> <p>20 Q. By whom?</p> <p>21 A. Superintendent.</p> <p>22 Q. Were the coaches and assistant coaches asked 23 to attend those meetings?</p> <p>24 A. No.</p>	<p style="text-align: right;">Page 48</p> <p>1 of that as well. I don't think that was part of 2 anything that was turned over, Rob, but I'll do a 3 request for production.</p> <p>4 MR. COX: That's fine.</p> <p>5 MR. GROTH: And if it was turned over, 6 if you just give me the Bates numbers...</p> <p>7 MR. COX: I'll tell you where it is.</p> <p>8 MR. GROTH: Fine.</p> <p>9 BY MR. GROTH:</p> <p>10 Q. Do you know whether or not the term unlawful 11 harassment or sexual harassment is even mentioned there 12 in that handbook?</p> <p>13 A. I don't believe it is.</p> <p>14 Q. Did you ask Mr. Romig whether or not he wanted 15 to remain the assistant varsity coach for softball at 16 Pennridge High School for the 2012/2013 season?</p> <p>17 A. Yes.</p> <p>18 Q. And did he agree to?</p> <p>19 A. Yes.</p> <p>20 Q. And he signed a new contract?</p> <p>21 A. Well, we're finding out he had somebody sign 22 it for him.</p> <p>23 Q. You learned that in his deposition?</p> <p>24 A. Correct.</p>

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<p style="text-align: right;">Page 49</p> <p>1 Q. Correct?</p> <p>2 A. Yes.</p> <p>3 Q. If you look at that contract, which is page</p> <p>4 22852 of Creeden exhibit two, and compare it to the</p> <p>5 first contract, which is 22851, you'll see the</p> <p>6 signature is not the same, correct?</p> <p>7 A. Correct.</p> <p>8 Q. How was he provided with that contract? Who</p> <p>9 provided the contract to him -- strike that. You've</p> <p>10 already said he didn't sign it. Do you know if he was</p> <p>11 even given the contract to look at?</p> <p>12 A. It was put in the mailbox for him to sign, and</p> <p>13 I guess somebody just signed it for him.</p> <p>14 Q. Okay. Do you recall reading in Mr. Romig's</p> <p>15 deposition transcript that he was busy and didn't want</p> <p>16 to come in, so he instructed Mr. Koehler to sign the</p> <p>17 contract for him?</p> <p>18 A. I read that.</p> <p>19 Q. All right. Do you know if that's what</p> <p>20 happened?</p> <p>21 A. I didn't see it happen, so I...</p> <p>22 Q. Well, did you ask Mr. Koehler if he signed the</p> <p>23 contract for him?</p> <p>24 A. I haven't.</p>	<p style="text-align: right;">Page 51</p> <p>1 material at your office to indicate exactly when the</p> <p>2 season ended?</p> <p>3 A. Yes.</p> <p>4 Q. Did Mr. Romig coach with the varsity team as</p> <p>5 an assistant coach up until the end of that season in</p> <p>6 2013?</p> <p>7 A. I know he was on the bench for one of their</p> <p>8 playoff games.</p> <p>9 Q. How do you know that?</p> <p>10 A. I was at the game.</p> <p>11 Q. Was there more than one playoff game?</p> <p>12 A. There were three, I believe.</p> <p>13 Q. Would this information -- how many games were</p> <p>14 played by the girls varsity team in 2013 and what their</p> <p>15 record was and whether they went to the playoffs and</p> <p>16 what the scores were -- is that all on website</p> <p>17 somewhere at Pennridge?</p> <p>18 A. Yes. It wouldn't have the scores, but it</p> <p>19 would have the games.</p> <p>20 Q. Win/loss?</p> <p>21 A. I don't think it would have win/loss.</p> <p>22 Q. Okay. Now, up until the time when Mr. Romig</p> <p>23 signed this second contract with Pennridge in 2013, the</p> <p>24 date of the contract itself is January 28th, 2013 --</p>
<p style="text-align: right;">Page 50</p> <p>1 Q. Do you recognize Mr. Koehler's handwriting?</p> <p>2 MR. COX: Objection to the form. You</p> <p>3 can answer.</p> <p>4 A. No.</p> <p>5 Q. Now, that contract says "assistant varsity</p> <p>6 coach softball," does it not?</p> <p>7 A. Yes.</p> <p>8 Q. It doesn't mention anything about the JV team,</p> <p>9 correct?</p> <p>10 A. Correct.</p> <p>11 Q. Was he still coaching the JV team?</p> <p>12 A. Yes.</p> <p>13 Q. But he was also an assistant varsity coach for</p> <p>14 the girls softball team, correct?</p> <p>15 A. Correct.</p> <p>16 Q. And again, that season for the varsity team</p> <p>17 could have gone all the way until the end of May of</p> <p>18 2013?</p> <p>19 A. Correct.</p> <p>20 Q. All right. Does it ever go into June?</p> <p>21 A. If you're in the state championship, it could.</p> <p>22 Q. What about back in 2013?</p> <p>23 A. I'm not sure exactly what day it ended.</p> <p>24 Q. Would you have a schedule or some written</p>	<p style="text-align: right;">Page 52</p> <p>1 did you know, did you have any information that Mr.</p> <p>2 Romig had previously coached basketball at Faith</p> <p>3 Christian Academy?</p> <p>4 A. I may have. I'm not sure. I saw him at a</p> <p>5 Faith Christian basketball game at our gym and he was</p> <p>6 doing the scorebook.</p> <p>7 Q. When was that?</p> <p>8 A. That would be, I'm thinking -- I think it</p> <p>9 would be '10/'11, that winter of '10/'11. That's the</p> <p>10 only time I've seen him or heard of him with</p> <p>11 basketball.</p> <p>12 Q. I'm sorry, I didn't follow you. You saw him</p> <p>13 doing the scorebook for the Faith Christian basketball</p> <p>14 team when?</p> <p>15 A. I'm going to say 2010/11, maybe.</p> <p>16 Q. At your gym at Pennridge?</p> <p>17 A. I believe, yes. I'm not sure. I'd have to</p> <p>18 check the schedule book.</p> <p>19 Q. And Faith Christian was playing Pennridge?</p> <p>20 A. They were playing in a tournament at our</p> <p>21 school.</p> <p>22 Q. Was Pennridge in the tournament?</p> <p>23 A. Yes.</p> <p>24 Q. And this was before he was hired as a softball</p>

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<p>1 coach at Pennridge. 2 A. Correct. 3 Q. Did the tournament have a name? 4 A. Tipoff Tournament. 5 Q. And what month is it in? 6 A. December. 7 Q. Do you know who the coach of the FCA team in 8 that tournament was back in 2020 or '11? 9 A. No. 10 Q. And when you say Mr. Romig was handling the 11 scorebook, what does that mean? What was he doing? 12 A. Doing stats for the team. He had a scorebook 13 in his hand. He said he was doing stats. 14 Q. Do you know if his daughter was on the team at 15 that time? 16 A. I don't know for sure. 17 Q. Do you know his daughter? 18 A. No, I never met her. 19 Q. Do you know the name Chelsea Romig? Just from 20 the deposition? 21 A. Yeah, I guess. I never met her. 22 Q. And where was he sitting to do these stats? 23 A. I saw him in the corner of the gym. 24 Q. Not with the team?</p>	<p>1 texting the athletes that played for their teams? 2 A. Not that I can remember. I know coaches have 3 used phones to text, say practice is off. 4 Q. I guess my more specific question is, did you 5 as athletic director give your coaches or assistant 6 coaches any directions or instructions regarding the 7 number of texts they could send to their players, a 8 type of text they could send to their players, whether 9 it had to be basketball-related activity or could it be 10 personal activity? Any direction with regard to 11 texting between coaches and students at all? 12 A. Nothing that I can remember specifically. 13 Q. All right. Had there ever arisen an issue 14 prior to 2013 of some texting problem between coaches 15 or assistant coaches and players that you've had to get 16 involved in and handle? 17 A. Uh-huh. 18 MR. COX: You have to say yes. 19 THE WITNESS: Yes. 20 BY MR. GROTH: 21 Q. What kind of issue? 22 A. We've had coaches send a parent or student a 23 text, and the parent or student would say, you know 24 what does this mean, or this makes me feel not part of</p>
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<p>1 A. No. 2 Q. Did you talk to him at that time? 3 A. Yes. I said hi, how are you doing. He said 4 he was doing stats for the basketball. 5 Q. And you had seen him doing this scorebook for 6 Faith Christian at the basketball tournament prior to 7 the time that you called him about becoming a softball 8 coach. 9 A. Correct. 10 Q. Correct. But even though you had seen him 11 doing the scorebook for the basketball team at Faith 12 Christian, you didn't ask him any questions about Faith 13 Christian when you hired him, correct? 14 A. Correct. 15 Q. Okay. Were there any discussions with your 16 coaches and assistant coaches in 2011 -- or between 17 2011 and 2013 about texting students regarding 18 basketball-related activities? You know, practice 19 change, game change, things of that nature. 20 MR. COX: Object to the form. You may 21 answer. 22 A. I'm sorry, what's the question again? 23 Q. Yes. Did you ever have any discussion with 24 your head coaches or assistant coaches about them</p>	<p>1 the team, or like I'm not working hard or something 2 like that. 3 Q. Well, what was in the text that generated that 4 response? Was it a criticism of the player or -- 5 A. Sometimes there would be confusion. Sometimes 6 there would be -- I'm trying to think of one 7 specifically, but we have had kids come to us, parents 8 come to us and say hey, I've received a text and I want 9 to talk about it. 10 Q. I'm trying to get a handle on what kind of 11 issues or what type of information was in the text that 12 they needed to talk to the athletic director about. 13 What generated their concern to come to you 14 and say "I want to talk to you about this text to me or 15 my kid"?. 16 A. I'm trying to think. We've had some where 17 they kind of critiqued them as a player. Maybe they're 18 not working as hard as they thought they should and a 19 kid or a parent will say, you know, I wonder why that 20 was sent, you know, or feel that it's too hard on them. 21 Q. So, there was actually criticism of the 22 player's performance by a coach or assistant coach that 23 was sent by text to the player or to the parent? 24 A. Yes -- I don't know if it's criticism or</p>

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<p>1 critiquing and they -- you know, the coaches meaning it 2 to be one way and a parent would see it or a kid would 3 see it another way.</p> <p>4 Q. Did the parent or student complain about the 5 form of the communication as opposed to the substance; 6 that is, why this is being texted to me instead of the 7 coach taking me aside and talking to me face-to-face?</p> <p>8 A. I don't know if they have ever said it that 9 exact way. Some people like to be talked to 10 face-to-face. Some people are fine with texts. I 11 don't know that ever came up.</p> <p>12 Q. How many times did this come up before the 13 2013 season, softball season?</p> <p>14 A. I know we dealt with one coach.</p> <p>15 Q. Which coach?</p> <p>16 A. Field hockey.</p> <p>17 Q. Male or female?</p> <p>18 A. Female.</p> <p>19 Q. And what was the issue that you had to deal 20 with?</p> <p>21 A. Critiquing them as a player.</p> <p>22 Q. By text.</p> <p>23 A. Yes.</p> <p>24 Q. Anybody else? Any other coaches or assistant</p>	<p>1 have said that to them, you know: If you're going to 2 communicate, keep it simple.</p> <p>3 Q. What does that mean?</p> <p>4 A. Practice is on, practice is off.</p> <p>5 Q. Okay. Did you ever give any instructions to 6 your coaches as a group, head coaches and assistant 7 coaches, not to text anything of a personal nature to 8 any of the players? And by "personal" I mean either 9 personal to the coach or personal to the player, 10 something totally unrelated to any sports activity.</p> <p>11 A. Not formally.</p> <p>12 Q. Formally or informally.</p> <p>13 A. No.</p> <p>14 Q. How did Mr. Romig perform as a coach during 15 the 2012/2013 softball season?</p> <p>16 A. He did well. The team did well. They had one 17 loss, I believe.</p> <p>18 Q. Did you do another evaluation of him?</p> <p>19 A. Paul did not. I was still waiting for that.</p> <p>20 Q. Those are normally done over the summer?</p> <p>21 A. Usually.</p> <p>22 Q. Were there any issues that arose with Mr. 23 Romig's coaching performance during the spring 2013 24 softball season that you know of?</p>
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<p>1 coaches have an issue regarding texting?</p> <p>2 A. No, not that I can remember.</p> <p>3 Q. How did you handle that issue?</p> <p>4 A. Took it to the principal.</p> <p>5 Q. Why did you have to go to the principal -- let 6 me rephrase that. Why did you decide to go to the 7 principal with that issue?</p> <p>8 A. I think actually the girl took it to the 9 principal and I was brought into it.</p> <p>10 Q. What was the resolution?</p> <p>11 A. I think there was a meeting with the coach and 12 there was a meeting with the athlete.</p> <p>13 Q. At the same time or separately?</p> <p>14 A. I believe they were both separate.</p> <p>15 Q. What was the resolution?</p> <p>16 A. They were able to work it out. Each person's 17 viewpoint was taken, and that was the resolution.</p> <p>18 Q. Well, did you or Mr. Creeden give any 19 instructions to the coach regarding the issue of what 20 type of information should be communicated in a text?</p> <p>21 A. I'm not sure. I mean, I'm not sure.</p> <p>22 Q. Did you give any instruction to the coach not 23 to critique players through texting?</p> <p>24 A. I've always tried to keep it simple. I might</p>	<p>1 MR. COX: Object to the form. You may 2 answer.</p> <p>3 A. No.</p> <p>4 Q. As of the end of that season did you know at 5 that time that Mr. Romig had coached at Faith Christian 6 Academy before going to Pennridge to coach?</p> <p>7 A. I don't believe so. I'm not sure. I can't 8 tell you.</p> <p>9 Q. Those PIAA or -- what is it, Suburban 1?</p> <p>10 A. PIAA meetings.</p> <p>11 Q. Yes, the PIAA meetings, were those generally 12 attended by Mr. Hollenbach?</p> <p>13 A. I've seen him at them, yes.</p> <p>14 Q. Before the end of the 2013 softball season at 15 Pennridge, did you have occasion to discuss Mr. Romig 16 with Mr. Hollenbach?</p> <p>17 A. Can you say it again? I'm sorry.</p> <p>18 Q. Yes. Prior to the end of the 2013 baseball 19 season, in May of 2013, did you have occasion to 20 discuss Mr. Romig with Russell Hollenbach of FCA?</p> <p>21 A. Yes.</p> <p>22 Q. When and where?</p> <p>23 A. At the PIAA meeting at Westover Country Club 24 in Norristown.</p>

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<p style="text-align: right;">Page 61</p> <p>1 Q. When?</p> <p>2 A. It would have been in April of 2012.</p> <p>3 Q. That was during Mr. Romig's first season at</p> <p>4 Pennridge.</p> <p>5 A. Correct.</p> <p>6 Q. And do you recall the circumstances of that</p> <p>7 discussion? And what I'm talking about is, where you</p> <p>8 had the discussion, who else, if anybody, was involved</p> <p>9 in this discussion, was it just you and Mr. Hollenbach.</p> <p>10 A. Yes.</p> <p>11 Q. Tell me the circumstances of the discussions</p> <p>12 first and I'll ask you about the actual discussion.</p> <p>13 A. Okay. The meeting had ended.</p> <p>14 Q. All right.</p> <p>15 A. And we were all standing up and leaving, and I</p> <p>16 went over and asked him. . .</p> <p>17 Q. Asked him what?</p> <p>18 A. Asked him what kind of basketball coach Eric</p> <p>19 Romig was.</p> <p>20 Q. How did you know at that time? Because I</p> <p>21 thought up until that time you hadn't known that he</p> <p>22 coached --</p> <p>23 A. Okay.</p> <p>24 Q. Hold on. I thought you testified already that</p>	<p style="text-align: right;">Page 63</p> <p>1 because you asked him if he would be interested in</p> <p>2 coaching basketball?</p> <p>3 A. He came to me.</p> <p>4 MR. COX: Objection to the form. You</p> <p>5 may answer.</p> <p>6 A. He came to me and wanted to coach basketball.</p> <p>7 Q. Oh, he knew there was a position open, that he</p> <p>8 knew about?</p> <p>9 A. Right.</p> <p>10 Q. And that would have been for the fall and</p> <p>11 winter of 2013?</p> <p>12 A. Yes, '12, '13.</p> <p>13 Q. 12/13, okay. That was a head coaching</p> <p>14 position?</p> <p>15 A. Yes.</p> <p>16 Q. And that resume, you believe -- was it a typed</p> <p>17 resume?</p> <p>18 A. Yes.</p> <p>19 Q. (Continuing) -- that resume, you believe,</p> <p>20 included his coaching position at FCA for girls</p> <p>21 basketball.</p> <p>22 A. Correct.</p> <p>23 Q. And do you recall, from reading that resume,</p> <p>24 for what number of years he coached girls basketball</p>
<p style="text-align: right;">Page 62</p> <p>1 up to that time you hadn't known that he coached at all</p> <p>2 at Faith Christian.</p> <p>3 A. Well, okay. When I -- when he started</p> <p>4 coaching softball for us, he said that he would be</p> <p>5 interested in coaching basketball and the position was</p> <p>6 open, and that's when I found out. He gave me his</p> <p>7 resume may and Faith was on there.</p> <p>8 Q. Romig gave you a resume.</p> <p>9 A. Right.</p> <p>10 Q. And when was that?</p> <p>11 A. That would have been the spring of 2012.</p> <p>12 Q. During the softball season at Pennridge.</p> <p>13 A. Correct.</p> <p>14 Q. Do you keep those resumes on file?</p> <p>15 A. I don't know if I have it.</p> <p>16 MR. GROTH: I'm going to make a request</p> <p>17 for that document as well.</p> <p>18 THE WITNESS: I don't think I have it</p> <p>19 because I would have looked. . .</p> <p>20 BY MR. GROTH:</p> <p>21 Q. Mr. Romig did not give you a resume when you</p> <p>22 hired him as a softball coach.</p> <p>23 A. Correct.</p> <p>24 Q. But he gave you a resume during the season</p>	<p style="text-align: right;">Page 64</p> <p>1 there?</p> <p>2 A. I don't know.</p> <p>3 Q. Did Mr. Romig give you the resume at the same</p> <p>4 time he said he was interested in the position?</p> <p>5 A. I believe he brought it to the interview.</p> <p>6 Q. There was an actual interview.</p> <p>7 A. Yes.</p> <p>8 Q. And that interview included you and he and Mr.</p> <p>9 Creeden?</p> <p>10 A. Correct.</p> <p>11 Q. Was the interview that you had with Mr. Romig</p> <p>12 and Mr. Creeden before you saw Russell Hollenbach at</p> <p>13 the PIAA meeting and talked about Romig?</p> <p>14 A. Yes.</p> <p>15 Q. Why was Mr. Creeden involved in that</p> <p>16 interview?</p> <p>17 A. Because it was a head-coach position.</p> <p>18 Q. He participates in all the interviews of head</p> <p>19 coaches, head-coach applicants?</p> <p>20 A. Yes.</p> <p>21 Q. An did you ask Mr. Romig at that time about</p> <p>22 his performance as a head coach at FCA?</p> <p>23 A. Yes.</p> <p>24 Q. What did he say?</p>

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<p>1 A. That he coached basketball there. He left. 2 That's pretty much it. 3 Q. It was a short interview. 4 A. We talked about our program and the aspects of 5 it. 6 Q. I'm really trying to get what information you 7 requested from him about his performance as a coach at 8 Faith Christian Academy. 9 A. I mean, he might have said how the team did. 10 I'm not sure. I mean, that's basically what we talked 11 about. 12 Q. Did he tell you why he left? 13 A. He said a difference of opinion. 14 Q. And what did you do to find out exactly what 15 that difference of opinion involved? 16 A. I talked to Mr. Hollenbach. 17 Q. What did you do at the interview with Mr. 18 Romig when he said "I left because of a difference of 19 opinion"? Did you get any details about what the 20 difference of opinion involved? 21 A. Not that I remember. 22 Q. You didn't ask him any questions about that. 23 A. No. 24 Q. So, when somebody leaves a -- strike that.</p>	<p>1 A. Correct. 2 Q. So, you knew about that even before this 3 interview. 4 A. Correct. 5 Q. Did you ask Mr. Romig in that interview any 6 specific questions as to whether or not he had any 7 problems or issues with the athletic director or 8 parents or students or teachers or anybody at FCA 9 during his coaching activities there? 10 A. I can't say for sure. 11 Q. Did he tell you that he had problems with 12 parents or teachers or the athletic director or the 13 administration while he was a basketball coach there? 14 A. I can't say for sure. 15 Q. You don't recall him volunteering that 16 information to you. 17 A. No. 18 Q. Okay. At that interview -- and again, when do 19 you recall that interview, the date of that interview, 20 approximate date of that interview? 21 A. It would be in the spring of that 2012 year. 22 I don't know the date. 23 Q. When was the -- you don't recall the date. Do 24 you recall the month of the interview?</p>
<p style="text-align: center;">Page 66</p> <p>1 When Mr. Romig said "I left as a coach there due to a 2 difference of opinion," you didn't ask who he had a 3 difference of opinion with? 4 A. I think he said difference of philosophy. 5 Q. Did you ask him who he had a difference of 6 philosophy with? 7 A. No. 8 Q. He didn't tell that he left for health 9 reasons, correct? 10 A. It was hard to say. I mean, we talk about his 11 heart. I believe at one point he told me he left 12 because of heart reasons. 13 Q. Did he tell you that, or is that something 14 that you're maybe confusing with something Ms. Kalazs 15 told you? 16 MR. COX: Object to the form. You may 17 answer. 18 A. No, he told me he had heart issues. 19 Q. In that interview. 20 A. We talked about the heart, I believe, in that 21 interview. 22 Q. I think earlier you might have said that you 23 talked about heart issues even before you hired him as 24 softball coach.</p>	<p style="text-align: center;">Page 68</p> <p>1 MR. COX: Object to the form. The 2 interview or the . . . 3 MR. GROTH: The interview. 4 MR. COX: You may answer. 5 THE WITNESS: I'm not sure. 6 BY MR. GROTH: 7 Q. But the Westover PIAA meeting was in April of 8 2002. 9 MR. COX: Objection. 2012. 10 MR. GROTH: 2012, I'm sorry. My bad 11 handwriting. 12 BY MR. GROTH: 13 Q. But this interview happened before that, 14 correct? 15 A. Correct. 16 Q. Okay. So, going back to the circumstances of 17 your conversation with Mr. Hollenbach, you saw him at 18 the meeting after the meeting was over, and you had a 19 discussion with him which included some discussion of 20 Mr. Romig, correct? 21 A. Correct. 22 Q. Did you bring up Romig or did he bring up 23 Romig? 24 A. I asked him what kind of basketball coach Eric</p>

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<p>1 Romig was.</p> <p>2 Q. Was anybody else involved in the conversation?</p> <p>3 A. No.</p> <p>4 Q. Just the two of you alone.</p> <p>5 A. Yes. I mean, there were other people in the</p> <p>6 room, but we were the only ones talking.</p> <p>7 Q. You weren't talking to anybody and nobody was</p> <p>8 in you group listening to your conversation, correct?</p> <p>9 A. Correct.</p> <p>10 Q. And you asked Mr. Hollenbach the question what</p> <p>11 kind of basketball coach was he.</p> <p>12 A. Right.</p> <p>13 Q. What did he say?</p> <p>14 A. He Sid he was a good coach. I might have ask</p> <p>15 asked him -- I can't tell you exactly, but I think when</p> <p>16 I asked him does he know basketball -- I knew he was a</p> <p>17 good coach from softball. I wanted to know what kind of</p> <p>18 basketball coach he was.</p> <p>19 Q. So, he gave him a good recommendation as a</p> <p>20 coach?</p> <p>21 A. What?</p> <p>22 Q. So, Mr. Hollenbach said he was a good coach.</p> <p>23 A. Said he knew basketball.</p> <p>24 Q. And what else did Mr. Hollenbach tell you</p>	<p>1 ask a single question?</p> <p>2 A. No.</p> <p>3 Q. How did that issue come up? When in the</p> <p>4 conversation did that fact come up?</p> <p>5 A. I think Russ Hollenbach said, you know, it's a</p> <p>6 difficult job and he kind of put that in there, that</p> <p>7 there was an issue with texting.</p> <p>8 Q. Did he tell you if the texting involved a</p> <p>9 parent or a student or some other specific individual?</p> <p>10 A. No.</p> <p>11 Q. Did you tell him that you had already</p> <p>12 interviewed Mr. Romig for the job and he stated to you</p> <p>13 that he left FCA because he had some difference of</p> <p>14 opinion or difference of philosophy with somebody at</p> <p>15 FCA?</p> <p>16 MR. KEMETHER: Object to the form.</p> <p>17 A. No.</p> <p>18 Q. But Mr. Romig had already told you that in</p> <p>19 your interview?</p> <p>20 A. Yes.</p> <p>21 Q. And you didn't ask Mr. Hollenbach about that.</p> <p>22 A. No.</p> <p>23 Q. What else did you discuss with Mr. Hollenbach</p> <p>24 about Mr. Romig?</p>
<p style="text-align: center;">Page 70</p> <p>1 about Mr. Romig?</p> <p>2 A. I said, you know, I guess he left because of</p> <p>3 heart conditions, and he didn't say yes or no. He</p> <p>4 didn't say why he left, didn't say if he resigned or</p> <p>5 fired.</p> <p>6 Q. Did you ask him any of those questions?</p> <p>7 A. No, I didn't ask him.</p> <p>8 Q. You didn't ask him why he left?</p> <p>9 A. No.</p> <p>10 Q. You didn't ask him if he resigned?</p> <p>11 A. I said -- I think I said to him "I heard he</p> <p>12 left because of heart conditions," and you know, there</p> <p>13 was no response back from that.</p> <p>14 Q. Okay.</p> <p>15 A. He said, you know, "He's coached softball for</p> <p>16 me. He's doing a great job now." He said he had an</p> <p>17 issue with him texting.</p> <p>18 Q. What did he say the issue was?</p> <p>19 A. He did not say.</p> <p>20 Q. Did you ask him?</p> <p>21 A. No.</p> <p>22 Q. So, you didn't know if it was an issue about</p> <p>23 texting with parents, texting with students, texting</p> <p>24 with other teachers or coaches? Nothing. You did not</p>	<p style="text-align: center;">Page 72</p> <p>1 A. That's pretty much it. It was very brief.</p> <p>2 Q. Did you document that conversation at all?</p> <p>3 A. No.</p> <p>4 Q. You didn't make any notes of it or put</p> <p>5 something in Mr. Romig's personnel file or anything</p> <p>6 like that?</p> <p>7 A. No.</p> <p>8 Q. Would you consider this conversation that you</p> <p>9 had with Mr. Hollenbach checking references for an</p> <p>10 applicant -- namely, Mr. Romig -- who was applying for</p> <p>11 a head coaching job?</p> <p>12 A. Yes, I take it as I was trying to find out</p> <p>13 what he knew about basketball. I knew him as a</p> <p>14 softball coach and I was trying to find out, you know,</p> <p>15 did he know the game of basketball, is he able to coach</p> <p>16 that.</p> <p>17 Q. What I'm asking you is, isn't this the type of</p> <p>18 thing that the employment hiring policies of Pennridge</p> <p>19 say you're supposed to do, check with former employers</p> <p>20 and check references and that type of thing? Correct?</p> <p>21 A. Correct.</p> <p>22 Q. That's why you went up to him, to ask him</p> <p>23 these questions, correct?</p> <p>24 A. (No response)</p>

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1 Q. Yes?	1 Q. Yes.	2 A. Yes.	2 A. No.
2 A. Yes.	3 Q. Why not?	3 Q. Did you, after having this conversation with	4 A. We had a better candidate.
3 Q. Did you, after having this conversation with	4 A. We had a better candidate.	4 Mr. Hollenbach -- strike that. As of the time that you	5 Q. As of the time of that conversation with Mr.
4 Mr. Hollenbach -- strike that. As of the time that you	5 Q. As of the time of that conversation with Mr.	5 had the conversation with Mr. Hollenbach, had you	6 Hollenbach in the spring of 2012, you had known him for
6 had the conversation with Mr. Hollenbach, had you	6 Hollenbach in the spring of 2012, you had known him for	6 offered the job to Mr. Romig, the basketball job?	7 eighteen years?
7 offered the job to Mr. Romig, the basketball job?	7 eighteen years?	7 A. No.	8 A. I had known Hollenbach since my Plumstead
8 A. No.	8 A. I had known Hollenbach since my Plumstead	8 Q. After you had the discussion with Mr.	9 Christian days.
9 Q. After you had the discussion with Mr.	9 Christian days.	9 Hollenbach, did you go back to Mr. Creeden and discuss	10 Q. 1994.
10 Hollenbach, did you go back to Mr. Creeden and discuss	10 Q. 1994.	10 with him the information that you had learned from Mr.	11 A. Right.
11 Hollenbach?	11 A. Right.	11 Hollenbach?	12 Q. So, you had known him for eighteen years.
12 A. Yes.	12 Q. So, you had known him for eighteen years.	12 A. Yes.	13 A. Yes.
13 Q. How soon after having that discussion with Mr.	13 A. Yes.	13 Q. If you have an applicant for a job, just in	14 general, for a coaching job that has listed references
14 Hollenbach did you talk to Mr. Creeden?	14 Hollenbach did you talk to Mr. Creeden?	14 general, for a coaching job that has listed references	15 as prior coaching employment at different schools, was
15 A. I believe it was that day. I'm not positive.	15 A. I believe it was that day. I'm not positive.	15 as prior coaching employment at different schools, was	16 it your custom or practice to contact some of the prior
16 Q. Where did you talk to Mr. Creeden about this	16 Q. Where did you talk to Mr. Creeden about this	16 it your custom or practice to contact some of the prior	17 coaches or athletic directors that that applicant
17 issue?	17 issue?	17 coaches or athletic directors that that applicant	18 worked for to find out information about them?
18 A. In his conference room.	18 A. In his conference room.	18 A. Yes.	19 Q. And in those discussions do the coaches
19 Q. What did you tell him?	19 Q. What did you tell him?	19 Q. And in those discussions do the coaches	20 sometimes advise you of problems or concerns with a
20 A. That I had talked to Russ Hollenback and that	20 A. That I had talked to Russ Hollenback and that	20 A. Yes.	21 coach's performance at the previous school?
21 he said he knows basketball and he's a good coach, and	21 he said he knows basketball and he's a good coach, and	21 Q. And in those discussions do the coaches	22 sometimes advise you of problems or concerns with a
22 that there was an issue with texting.	22 that there was an issue with texting.	22 sometimes advise you of problems or concerns with a	23 coach's performance at the previous school?
23 Q. Did Mr. Creeden ask you any questions about	23 Q. Did Mr. Creeden ask you any questions about	23 A. Yes.	24 A. Yes.
24 what the issue was?	24 what the issue was?	24 A. Yes.	
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1 A. Yes. He asked if, you know, I knew anything	1 Q. And again in general, when you were informed	2 more about it.	2 of a prior issue or problem or a concern about an
2 more about it.	2 of a prior issue or problem or a concern about an	3 Q. And?	3 applicant's coaching at a previous school, do you try
3 Q. And?	3 applicant's coaching at a previous school, do you try	4 A. And I told him no. He asked me if I ever had	4 to get as much information about that before you make
4 A. And I told him no. He asked me if I ever had	4 to get as much information about that before you make	5 an issue with him coaching at Quakertown, and I said	5 decision on the applicant yourself?
5 an issue with him coaching at Quakertown, and I said	5 decision on the applicant yourself?	6 no.	6 MR. COX: Object to the form. You can
6 no.	6 MR. COX: Object to the form. You can	7 answer.	7 answer.
7 Q. Did Mr. Creeden ask you to check back with Mr.	7 Q. Did Mr. Creeden ask you to check back with Mr.	8 A. Yes.	8 A. Yes.
8 Hollenbach or to check with anybody else at Faith	8 Hollenbach or to check with anybody else at Faith	9 Q. But you didn't do it in this case with Mr.	9 Q. But you didn't do it in this case with Mr.
9 Christian, including the principal or headmaster,	9 Christian, including the principal or headmaster,	10 Hollenbach when Mr. -- with Mr. Romig when Mr.	10 Hollenbach when Mr. -- with Mr. Romig when Mr.
10 regarding exactly what the nature of the texting issue	10 regarding exactly what the nature of the texting issue	11 Hollenbach told you that there was an issue.	11 Hollenbach told you that there was an issue.
11 was while Mr. Romig was a coach at Quakertown?	11 was while Mr. Romig was a coach at Quakertown?	12 MR. COX: Object to the form. You may	12 MR. COX: Object to the form. You may
12 A. No.	12 A. No.	13 answer.	13 answer.
13 MR. COX: Object to the form. You mean	13 MR. COX: Object to the form. You mean	14 Q. Is that correct?	14 Q. Is that correct?
14 at Faith Christian?	14 at Faith Christian?	15 A. What was the question again?	15 A. What was the question again?
15 MR. GROTH: I'm sorry, at Faith	15 MR. GROTH: I'm sorry, at Faith	16 Q. You didn't do any questioning or any other	16 Q. You didn't do any questioning or any other
16 Christian. Let me restate the question.	16 Christian. Let me restate the question.	17 investigation to find out more about the texting issue	17 investigation to find out more about the texting issue
17 BY MR. GROTH:	17 BY MR. GROTH:	18 with regard to Mr. Romig, correct?	18 with regard to Mr. Romig, correct?
18 Q. Did Mr. Creeden ask you to contact Mr.	18 Q. Did Mr. Creeden ask you to contact Mr.	19 A. No.	19 A. No.
19 Hollenbach again or to contact anyone else in the	19 Hollenbach again or to contact anyone else in the	20 Q. How did you learn about Mr. Romig's arrest?	20 Q. How did you learn about Mr. Romig's arrest?
20 administration of Faith Christian to find out exactly	20 administration of Faith Christian to find out exactly	21 A. The superintendent called me up to her office	21 A. The superintendent called me up to her office
21 what the texting issue was?	21 what the texting issue was?	22 and she told me.	22 and she told me.
22 A. No.	22 A. No.	23 Q. And that was whom?	23 Q. And that was whom?
23 Q. Was Mr. Romig offered the position?	23 Q. Was Mr. Romig offered the position?	24 A. Dr. Rattigsn.	24 A. Dr. Rattigsn.
24 A. For basketball?	24 A. For basketball?		

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<p>1 Q. She was the superintendent in October, as of 2 October 1st, 2013? 3 A. Yes. 4 Q. Did she ask you any questions about Mr. Romig? 5 A. Yes. 6 Q. What did she ask you? 7 A. How I knew him, what kind of coach he was, 8 "did you have any signs of this." 9 Q. Do you know how she became aware of the 10 charges against Mr. Romig? 11 A. I believe the police contacted her. 12 Q. Okay. And in your conversation with Ms. 13 Rattigan, did she tell you any information about what 14 the police had told her about Mr. Romig's involvement 15 with Elizabeth Nace? 16 A. I believe she told me that, you know, there 17 was a sexual relationship. 18 Q. Anything else? 19 A. She told me to keep it confidential. 20 Q. She gave you Elizabeth Nace's name, right? 21 A. She did. 22 Q. What else did she tell you about what she had 23 been informed was the relationship between Mr. Romig 24 and Mr. Nace other than it was a sexual relationship?</p>	<p>1 A. I don't. The name you said, Slattery, sounds 2 familiar, but . . . 3 Q. Where was that interview conducted? 4 A. In the conference room of the high school. 5 Q. Was it taped? 6 A. Yes. 7 Q. Did you and Mr. Creeden both answer questions 8 on the tape? 9 A. Yes. 10 Q. Was Detective Kemmerer doing most of the 11 questioning? 12 A. I think it was a little bit of both. 13 Q. You believe at that interview that the 14 detectives gave you information about how this 15 relationship between Eric Romig and his player, 16 Elizabeth Nace, began? 17 A. They said how their contact began? 18 A. Yes. 19 Q. They gave you information. 20 A. Yes. 21 Q. And did they give you information that it 22 began with texting of a personal nature from Eric Romig 23 to Elizabeth Nace? 24 A. I'm not sure if they said who it was -- who</p>
<p style="text-align: center;">Page 78</p> <p>1 A. She pretty much described it as, you know the 2 girl had fallen for this coach. That's pretty much it. 3 Q. Did she state to you whether or not she had 4 been given any information from the detectives that 5 were investigating the case that the relationship 6 started with texting between Mr. Romig and Ms. Nace 7 that turned into sexually-based texting between the two 8 of them and led into an eventual physical relationship? 9 A. I'm not sure at that time. 10 Q. Okay. Did you come to find that out at some 11 point? 12 A. Yes. 13 Q. How? 14 A. I believe the police. 15 Q. The police -- 16 A. Detectives. 17 Q. Okay. You heard Mr. Creeden testify yesterday 18 regarding an interview that took place involving you, 19 Mr. Creeden, Detective Kemmerer and maybe another 20 detective. Is that correct? 21 A. Yes. I think there were two detectives. 22 Q. Two total. 23 A. Yes. 24 Q. Do you remember the other detective's name?</p>	<p style="text-align: center;">Page 80</p> <p>1 texted who first. 2 Q. But you gathered from them that there were 3 texts between the two of them going back that had 4 nothing to do with his coaching activities or her 5 playing activities. It had to do with personal 6 issues. 7 A. I'm not sure if they said exactly -- I know 8 there was sexting involved. I'm not sure -- when you 9 say "personal issues," I'm not sure what . . . 10 Q. When I say "personal," I am referring to 11 anything other than sports-related issues. 12 A. The police didn't really say what the -- other 13 than sexting. 14 Q. And at some point did you make statements or 15 Mr. Creeden make statements to the detectives about the 16 information that Mr. Hollenbach had given you regarding 17 a texting issue with Mr. Romig at Faith Christian 18 Academy? 19 MR. COX: Objection to the form. You 20 can answer. 21 A. Yes. 22 Q. Did they ask you specifically about that, or 23 did you volunteer that information? 24 A. I don't know.</p>

20 (Pages 77 to 80)

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<p style="text-align: right;">Page 81</p> <p>1 Q. Did they tell you whether or not they had 2 interviewed anybody at Faith Christian Academy before 3 they interviewed you?</p> <p>4 A. I don't know.</p> <p>5 Q. Did they say they interviewed the principal 6 there or the athletic director at Faith Christian?</p> <p>7 A. I don't know.</p> <p>8 Q. Okay. So, do you have any recollection at all 9 of how the subject of the Hollenbach conversation with 10 you about Mr. Romig came up in the interview?</p> <p>11 A. I think they asked, you know, if I had ever 12 had any contact with regard to Eric Romig, you know, 13 with Russ Hollenbach.</p> <p>14 Q. They asked you that question.</p> <p>15 A. I don't know how it actually came up. You 16 know, I don't know if this is something I just told 17 them what my experiences were or if they point-blank 18 asked me a question.</p> <p>19 Q. Okay. What did you tell the detectives about 20 your conversation with Mr. Hollenbach in the spring of 21 2012 involving Mr. Romig?</p> <p>22 A. That I asked him what kind of basketball coach 23 he was; you know, that he had done a great job at 24 softball here and that there was an issue -- he said</p>	<p style="text-align: right;">Page 83</p> <p>1 THE VIDEOGRAPHER: Going off the video 2 record. This is the end of disc one. The time is 3 11:53 a.m.</p> <p>4 (A brief recess was taken)</p> <p>5 THE VIDEOGRAPHER: Stand by. Back on 6 the video record. This is the start of tape two.</p> <p>7 The time is 12:05 p.m.</p> <p>8 BY MR. GROTH:</p> <p>9 Q. Mr. Babb, when you told Mr. Creeden that Mr. 10 Hollenbach had informed you of a texting issue with Mr. 11 Romig while he was at FCA, did Mr. Creeden make any 12 comments to you about what, if anything, you should do 13 about it or he should do about it?</p> <p>14 A. Keep an eye on it.</p> <p>15 Q. And what did you understand that to mean?</p> <p>16 A. You know, if I had heard anything of that 17 nature, to let him know; to watch, see if you see 18 anything.</p> <p>19 Q. And after you had that discussion with Mr. 20 Hollenbach, did you go to Mr. Romig and ask Mr. Romig 21 what the texting issue was that he had at FCA?</p> <p>22 A. No.</p> <p>23 Q. Why not?</p> <p>24 A. To be honest, I thought it was not an issue of</p>
<p style="text-align: right;">Page 82</p> <p>1 there was an issue with texting.</p> <p>2 Q. You told the detectives that Hollenbach said 3 that.</p> <p>4 A. Yes.</p> <p>5 Q. Did you give him any more details with the 6 discussion you had with Mr. Hollenbach about texting, 7 Mr. Romig's texting?</p> <p>8 A. I'm sorry, say that again?</p> <p>9 Q. Yes: Did you give him any more details about 10 what Mr. Hollenbach told you about Mr. Romig's texting 11 issue at Faith Christian?</p> <p>12 MR. KEMETHER: Object to the form.</p> <p>13 MR. SANTARONE: Object to the form.</p> <p>14 A. No.</p> <p>15 Q. Just that there was a texting issue.</p> <p>16 A. There was a texting issue.</p> <p>17 Q. Did you state to the detectives that you 18 thought that the issue had to do with texting between 19 Mr. Romig and parents of the athletes that he coached?</p> <p>20 A. No.</p> <p>21 Q. Did you have any information that the texting 22 issue was between Mr. Romig and parents?</p> <p>23 A. No, I didn't know who it was with.</p> <p>24 Q. Okay.</p>	<p style="text-align: right;">Page 84</p> <p>1 sexting. I thought it was just, you know, an issue 2 between a parent or a kid where it was not sexting. I 3 think if it would have been, Russ Hollenbach would have 4 let me know. He would have said, hey, this is an issue 5 that disqualifies him from coaching.</p> <p>6 Q. Well, you found out later on that there were 7 reports that Mr. Romig was sending sexually -- an 8 allegation that Mr. Romig was sending sexually-based 9 texts to a female student at FCA, correct?</p> <p>10 A. Uh-huh.</p> <p>11 Q. You found that out.</p> <p>12 A. Yes, in the deposition.</p> <p>13 Q. In the deposition. That's the first time you 14 found out?</p> <p>15 A. I heard people talking about it, but that was 16 the first time I've ever seen it in writing.</p> <p>17 Q. But as of the time that you decided not to 18 discuss what Mr. Hollenbach had told you about texting 19 with Mr. Romig, you didn't have any concrete 20 information on exactly what the texting issue was.</p> <p>21 MR. COX: Object to the form. You can 22 answer.</p> <p>23 A. Can you repeat that again? I'm sorry.</p> <p>24 Q. Yes. After you spoke to Mr. Hollenbach and he</p>

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<p>1 told you there was a texting issue with Mr. Romig at 2 FCA, and you decided not to go to Mr. Romig and ask 3 specifics, for specifics, about what the texting issue 4 was, you didn't have any specifics at all about what 5 the texting issue was.</p> <p>6 MR. COX: Objection as to form. You. 7 may answer.</p> <p>8 A. Correct.</p> <p>9 Q. Including whether or not it was sexting and 10 not texting. You didn't know that, either, at the 11 time.</p> <p>12 MR. COX: Objection. You may answer.</p> <p>13 A. Correct.</p> <p>14 Q. Okay. Did that issue ever come up with Mr. 15 Romig at all -- strike that.</p> <p>16 Did you have any conversation with Mr. Romig 17 before the end of the 2013 softball season about any 18 texting issue that he had at FCA?</p> <p>19 A. No.</p> <p>20 Q. When you interviewed and Mr. Creeden 21 interviewed Mr. Romig for the basketball position in 22 the spring of -- did you say '12 or '13?</p> <p>23 A. It would have been '12.</p> <p>24 Q. Not '13.</p>	<p>1 answer. I'm sorry.</p> <p>2 BY MR. GROTH:</p> <p>3 Q. "Q: "When I interviewed, I believed 4 it was during the summer of 2012. I had interviewed at 5 Pennridge for the basketball job that came open, and 6 they asked me if I left Faith on bad terms, and I said 7 no.</p> <p>8 "Q: Was that boys basketball or girls? 9 "A: Girls. 10 "Q: Girls at Pennridge? 11 "A: I think so, yes. 12 "Q: And that was the summer of 2000" 13 and I didn't finish the question, and he 14 answered "I'm almost certain it was the summer of 15 2013. It would be near the end of the school 16 year, maybe April or May. 17 "Q: And they asked you, when you 18 interviewed for the boys job, whether or not you 19 had any problems or issues with FCA. 20 "A: They asked me if I ever coached 21 basketball before and I told them I coached 22 basketball at FCA." And it says "she." I think it 23 means "he asked if I left FCA on bad terms, and I 24 said no."</p>
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<p>1 A. '12. 2 Q. Okay. And the position was open for . . . 3 A. Girls basketball head coach. 4 Q. In the fall of 2013? 5 A. For the fall of '12/'13. 6 Q. Fall of '12/'13. Did you specifically or did 7 Mr. Creeden specifically ask Mr. Romig if he left FCA 8 on bad terms? 9 A. I don't recall that. 10 Q. Do you recall reading in Mr. Romig's 11 deposition transcript that he stated -- he testified 12 that you asked or Mr. Creeden asked him if he left FCA 13 on bad terms, and he said no?</p> <p>14 MR. COX: Object to the form. You may 15 answer. 16 A. I don't recall reading that in the deposition. 17 If it was there, I . . . 18 Q. I'm just going to read you a couple answers 19 and questions from his transcript, Mr. Romig's 20 transcript, at page 211 and 212. 21 You give an answer on page 211 -- 22 MR. COX: He gives his answer, Mr. 23 Romig. 24 MR. GROTH: That Mr. Romig gives an</p>	<p>1 If you want to read those two to yourself, you're 2 welcome to do that. 3 A. I read it. 4 Q. Okay. Now, does reading that testimony from 5 Mr. Romig change your recollection of when that 6 interview took place, whether it was 2012 or 2013? 7 A. I still believe it was 2012. 8 Q. Okay. And he indicates in that testimony that 9 he was specifically asked whether or not he left FCA on 10 bad terms and said no to two separate questions of 11 mine. 12 Does that refresh your recollection at all as 13 to whether or not you or Mr. Creeden asked him whether 14 or not he left FCA on bad terms? 15 A. I did not ask that question. Mr. Creeden 16 might have. I'm not sure. 17 Q. You're not sure if he did or not. 18 A. Right. 19 Q. Okay. Would there still be a record of the 20 posting of that position being available in the HR 21 department or some records department at Pennridge 22 going back to 2012 or 2013? 23 A. There may. 24 MR. GROTH: I'm going to request a copy</p>

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<p style="text-align: right;">Page 89</p> <p>1 of the posting for that position, whether it was 2 2012 or '13.</p> <p>3 BY MR. GROTH:</p> <p>4 Q. Going back to your interview with the 5 detectives along with Mr. Creeden, do you recall 6 whether you or Mr. Creeden told the detectives that 7 after you received the information regarding the 8 texting issue at FCA from Mr. Hollenbach, Mr. Creeden 9 said that "We should take a let's-keep-an-eye-on-it 10 strategy"?</p> <p>11 Do you recall you or Mr. Creeden saying that 12 to the detectives?</p> <p>13 A. Yes.</p> <p>14 Q. And who said that, you or Mr. Creeden?</p> <p>15 A. Myself.</p> <p>16 Q. And you were basically quoting Mr. Creeden 17 from your meeting with him after you met with 18 Hollenbach, correct?</p> <p>19 A. Yes.</p> <p>20 Q. After you met with the detectives or at any 21 time after Mr. Hollenbach -- strike that.</p> <p>22 After Mr. Romig was arrested on October 1st, 23 2013, did you ever have any discussion about Mr. Romig 24 with Mr. Hollenbach again?</p>	<p style="text-align: right;">Page 91</p> <p>1 copies of and reviewed the sexual harassment policies 2 of Pennridge?</p> <p>3 A. I do not know.</p> <p>4 Q. You don't know whether that was ever required?</p> <p>5 A. No.</p> <p>6 Q. Is that because you would think that would be 7 an HR function and not yours?</p> <p>8 A. HR, right.</p> <p>9 Q. Have you ever seen such a form?</p> <p>10 A. I don't know. I don't know.</p> <p>11 Q. Did you ever sign such a form?</p> <p>12 A. I may have. It's a while ago and I don't 13 remember doing it.</p> <p>14 Q. Did you ever have any other interviews, any 15 follow-up interviews, with the detectives other than 16 the one that we've been discussing?</p> <p>17 A. No.</p> <p>18 Q. You heard Mr. Creeden's testimony yesterday 19 about he thought that there may have been some 20 discussion about sexual harassment policies and other 21 school policies at Pennridge when a Ms. Feola, I 22 believe, was the head of HR, which he thought was in 23 the mid 2000s.</p> <p>24 Do you recall hearing that testimony?</p>
<p style="text-align: right;">Page 90</p> <p>1 A. No.</p> <p>2 Q. Had you seen Mr. Hollenbach since October 1st 3 of 2013 at any conferences or any other games or sports 4 activities?</p> <p>5 A. Not that I can recall. We might have been at 6 a meeting together but, you know, we didn't see each 7 other after that, not that I can remember.</p> <p>8 Q. You never attempted to go up to Mr. Hollenbach 9 at any of these meetings or sports activities and say 10 to him, "Hey, you told me there was a texting issue. 11 Why didn't you tell me what the issue was?"</p> <p>12 A. No.</p> <p>13 Q. Nothing like that?</p> <p>14 A. No.</p> <p>15 Q. When you were the athletic director at 16 Quakertown, were the coaches and assistant coaches 17 asked to sign a document, acknowledgment form, that 18 said that they had received the written published 19 policies at Quakertown on drug-free policy and sexual 20 harassment policy?</p> <p>21 A. I can't remember.</p> <p>22 Q. Was there any such acknowledgment or written 23 form that had to be signed by the coaches or assistant 24 coaches at Pennridge, stating that they had received</p>	<p style="text-align: right;">Page 92</p> <p>1 A. Yes.</p> <p>2 Q. Were there any discussions of that sort 3 between the HR department and the coaches or assistant 4 coaches with regard to any of the policies at 5 Pennridge, including the sexual harassment policy, 6 since you've been the athletic director there in 2009?</p> <p>7 A. Not that I know of.</p> <p>8 Q. Has Mr. Scarpantonio been the director of HR 9 since you've been the athletic director?</p> <p>10 A. Yes.</p> <p>11 Q. Have you ever talked to him about getting some 12 training for coaches or assistant coaches on the issues 13 of drug-free policy or harassment policy or sexual 14 harassment policy?</p> <p>15 A. Not that I can remember.</p> <p>16 Q. Have there ever been any complaints or 17 accusations or investigations of sexual harassment by 18 any coaches other than Mr. Romig at Pennridge while you 19 were the athletic director at Pennridge?</p> <p>20 A. Not that I know of the.</p> <p>21 Q. And by complaints or accusations, I don't mean 22 that criminal charges or whatever were brought. I mean 23 any athlete coming up to any administration official at 24 Pennridge, including yourself as athletic director, and</p>

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<p>1 making some complaint or accusation about a coach or an 2 assistant coach.</p> <p>3 MR. COX: Object to the form. You may 4 answer.</p> <p>5 A. Not that I know of.</p> <p>6 Q. What is your understanding of who the person 7 is at Pennridge who you should report such complaints 8 or accusations of sexual harassment to if they are made 9 by a student?</p> <p>10 A. Well, I need to report to my superior.</p> <p>11 Q. Who is?</p> <p>12 A. The principal.</p> <p>13 Q. And that was true ever since 2009, correct?</p> <p>14 A. Yes. I mean -- yes.</p> <p>15 Q. So, back in 2012 or '13 it would be Mr. 16 Creeden.</p> <p>17 A. Right.</p> <p>18 Q. After the arrest of Mr. Romig became known, 19 did you have any discussion with Paul Koehler regarding 20 any knowledge that he may have had about Mr. Romig's 21 relationship with Elizabeth Nace?</p> <p>22 A. Yes.</p> <p>23 Q. When did you have that discussion?</p> <p>24 A. Right after I talked with Dr. Rattigan, when</p>	<p>1 you that you should take a let's-keep-an-eye-on-it 2 strategy with regard to the texting issue that you were 3 informed about by Mr. Hollenbach, did you not bring Mr. 4 Koehler into that loop and ask him to keep an eye on 5 it?</p> <p>6 MR. COX: Object to the form. You can 7 answer.</p> <p>8 A. It was just the two of us were going to do 9 that.</p> <p>10 Q. So, you did not inform Mr. Koehler about 11 anything.</p> <p>12 A. Correct.</p> <p>13 Q. Did you ever receive any information during 14 the time of Mr. Romig's coaching at Pennridge for the 15 2012 and the 2013 softball seasons that there was 16 discussion among the women players about what coach or 17 teacher they were attracted to or interested in or 18 wanted to sleep with, anything of that nature 19 whatsoever?</p> <p>20 A. No.</p> <p>21 Q. Do you recall reading that in Mr. Romig's 22 deposition transcript?</p> <p>23 A. Yes.</p> <p>24 Q. If he, in fact, heard those discussions, were</p>
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<p>1 she informed me.</p> <p>2 Q. And what was the discussion between you and 3 Mr. Koehler?</p> <p>4 A. Just asked him if he had seen anything, knew 5 of anything, of any signs.</p> <p>6 Q. And what did he say?</p> <p>7 A. Completely shocked.</p> <p>8 Q. When Russell Hollenbach told you that there 9 was a texting issue with Mr. Romig at FCA and you came 10 back and told the principal, Mr. Creeden, about that 11 conversation, did you also tell Coach Koehler?</p> <p>12 A. No.</p> <p>13 Q. Coach Koehler was Mr. Romig's direct 14 supervisor?</p> <p>15 A. He does the evaluations for him.</p> <p>16 Q. Okay. If Mr. Romig needs direction or 17 instruction about something, or to be told how to do 18 something and when to do something, whatever, would he 19 normally get those instructions from the head coach, 20 Mr. Koehler, or from you?</p> <p>21 MR. COX: Object to the form. You may 22 answer.</p> <p>23 A. It would depend on the issue.</p> <p>24 Q. Is there some reason, after Mr. Creeden told</p>	<p>1 those discussions something he should have reported to 2 you?</p> <p>3 MR. COX: Objection to the form. You 4 may answer.</p> <p>5 A. Yes.</p> <p>6 Q. Do you recall Mr. Romig in his deposition 7 saying that he did discuss that issue of the women 8 players talking about coaches and teachers and other 9 people that they were attracted to at the school, that 10 he did discuss that with other assistant coaches on the 11 varsity teams, including LeeAnn Kramer and Tyler 12 Penhallow?</p> <p>13 A. I think that was in a deposition, yes.</p> <p>14 Q. If he, in fact, did do that, should LeeAnn 15 Kramer or Tyler Penhallow have reported that to you?</p> <p>16 A. Yes.</p> <p>17 Q. Did they?</p> <p>18 A. No.</p> <p>19 Q. Was reading about that issue in Mr. Romig's 20 deposition transcript the first you heard of that 21 issue?</p> <p>22 A. Yes.</p> <p>23 Q. At any time did you ever learn of the actual 24 details of Mr. Romig's leaving his coaching position at</p>

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<p>1 FCA?</p> <p>2 A. No. I mean, the deposition, I think, said he's</p> <p>3 resigned. That's what I learned.</p> <p>4 Q. Other than from getting information from Mr.</p> <p>5 Romig's deposition, you never got any information from</p> <p>6 anybody else?</p> <p>7 A. No.</p> <p>8 MR. GROTH: I have no further</p> <p>9 questions. Thank you.</p> <p>10 (EXAMINATION)</p> <p>11 BY MR. KEMETHER:</p> <p>12 Q. Again, I represent Mr. Hollenback, and I have</p> <p>13 a couple of questions for you. I just want to make</p> <p>14 sure I understand your testimony.</p> <p>15 First, do I understand correctly that as of</p> <p>16 the time of Mr. Romig's arrest in October of 2013, no</p> <p>17 one had ever told you that Mr. Romig had been accused</p> <p>18 of either sexual abuse or sexual harassment of any</p> <p>19 students at Faith Christian Academy while he had been a</p> <p>20 coach there?</p> <p>21 A. No one had told me of any sexual abuse.</p> <p>22 Q. Okay. And I think you testified that during</p> <p>23 the interview for the basketball position at Pennridge,</p> <p>24 there was a discussion with Mr. Romig about his</p>	<p>1 Q. Other than when you spoke to Mr. Creeden, was</p> <p>2 speaking with detectives the first time that you had</p> <p>3 raised this issue about what you say you and Mr.</p> <p>4 Hollenbach spoke about at the PIAA meeting?</p> <p>5 A. Well, that was the first time it was brought</p> <p>6 to the police's attention.</p> <p>7 Q. Okay.</p> <p>8 A. You know, I told Tom before that, Tom Creeden.</p> <p>9 Q. Right, and that's the meeting where you say</p> <p>10 that you and Creeden were in a room and Creeden says</p> <p>11 keep an eye on it?</p> <p>12 A. Right.</p> <p>13 Q. Other than those two times -- other than that</p> <p>14 one time, had you told anybody else that story before</p> <p>15 you spoke with the detectives?</p> <p>16 A. No.</p> <p>17 Q. And you heard Mr. Creeden say yesterday that</p> <p>18 he doesn't remember that ever happening, correct?</p> <p>19 A. Correct.</p> <p>20 Q. Outside the presence of your counsel, have you</p> <p>21 and Mr. Creeden discussed that difference that you have</p> <p>22 on that conversation? And I don't want to know anything</p> <p>23 you talked about in front of your attorney.</p> <p>24 A. Yes, he's told me he doesn't remember it.</p>
<p>1 coaching basketball at Faith Christian Academy, and</p> <p>2 that Mr. Romig said something to you about a difference</p> <p>3 of opinion or a difference of philosophy that he</p> <p>4 had there.</p> <p>5 A. Correct.</p> <p>6 Q. Do I understand correctly that neither you nor</p> <p>7 anyone else at Pennridge followed up on that with</p> <p>8 anyone at Faith Christian Academy?</p> <p>9 A. No, we did not follow up.</p> <p>10 MR. KEMETHER: Those are all the</p> <p>11 questions I have. Thank you.</p> <p>12 MS. CONNOR: No questions. Thank you.</p> <p>13 MR. SANTARONE: I just have a couple</p> <p>14 follow-ups.</p> <p>15 (EXAMINATION)</p> <p>16 BY MR. SANTARONE:</p> <p>17 Q. Mr. Babb, at the time that you were</p> <p>18 interviewed by the police, had Mr. Romig already been</p> <p>19 arrested?</p> <p>20 A. Yes.</p> <p>21 Q. Had there been any articles that appeared in</p> <p>22 the newspaper about the arrest before you were</p> <p>23 interviewed?</p> <p>24 A. I don't know for sure.</p>	<p>1 Q. Okay.</p> <p>2 MR. SANTARONE: That's all I have.</p> <p>3 Thank you.</p> <p>4 MR. GROTH: No other questions. Thank</p> <p>5 you very much, Mr. Babb.</p> <p>6 THE WITNESS: Thank you.</p> <p>7 THE VIDEOGRAPHER: This concludes the</p> <p>8 video deposition. We're going off the record at</p> <p>9 12:32 p.m.</p> <p>10 (The deposition was concluded at 12:32</p> <p>11 p.m.)</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
CIVIL TRIAL DIVISION

JAMES NACE, et al. : CIVIL ACTION
vs. :
PENNBRIDGE SCHOOL DISTRICT, :
et al. : NO. 15-333

Tuesday, August 11, 2015

Videotape deposition of THOMAS CREEDEN, held
at 1880 John F. Kennedy Boulevard, Seventh Floor,
Philadelphia, Pennsylvania, beginning at 10:11 a.m.,
on the above date, before LANCE A. BRUSILOW, Registered
Professional Reporter, Notary Public, and Approved
Reporter for the United States District Court.

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ALSO PRESENT:
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Page 4

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1 THE VIDEOGRAPHER: We are now on the
2 video record. This is the video deposition of
3 Thomas Creeden, taken by the plaintiff, in the
4 matter of James Nace and April Nace versus
5 Pennridge School District, et al. in the United
6 States District Court for the Eastern District of
7 Pennsylvania, civil action number 15-333, held at
8 1880 JFK Boulevard, Philadelphia, Pennsylvania, on
9 Tuesday, August 11, 2015, at 10:11 a.m.

10 I'm Christopher Capitanio, the
11 videographer, and the court reporter is Lance
12 Brusilow. We are from the firm of brusilow +
13 associates Court Reporting & Videographers in
14 Philadelphia, Pennsylvania.

15 Counsel will now introduce themselves.

16 MR. GROTH: David Groth, for the
17 plaintiff.

18 MR. COX: Robert Cox, for the Pennridge
19 defendants.

20 MR. SANTARONE: Joe Santarone, for
21 Faith Christian Academy.

22 MS. CONNOR: Carla Connor, for Faith
23 Christian Academy, Russell Hollenbach and Ryan
24 Clymer.

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<p>1 MS. KERNAN: Erin Kernan, on behalf of 2 the Pennridge defendants.</p> <p>3 THE VIDEOGRAPHER: The reporter will 4 now swear in the witness.</p> <p>5 THOMAS CREEDEN, having been first duly 6 sworn, was examined and testified as follows:</p> <p>7 (EXAMINATION)</p> <p>8 BY MR. GROTH:</p> <p>9 Q. Good morning.</p> <p>10 A. Good morning.</p> <p>11 Q. My name is David Groth, and I represent 12 Elizabeth Nace in a lawsuit that's currently pending in 13 the Federal District Court for the Eastern District of 14 Pennsylvania.</p> <p>15 I'm going to ask you some questions about 16 issues that I think are relevant and important to that 17 litigation. Let me ask you first: Have you ever been 18 involved in a deposition before?</p> <p>19 A. I have not.</p> <p>20 Q. Okay. Let me give you some quick directions 21 and instructions that may allow us to proceed with the 22 deposition as quickly and as efficiently as possible.</p> <p>23 First of all, make sure you listen to the 24 question and that you understand it before you begin to</p>	<p>1 legal objection to the question, and unless he 2 specifically instructs you not to answer the question, 3 you will still answer the question.</p> <p>4 Other attorneys in the room may also object to 5 a question. You will allow them to state the objection 6 for the record and, again, you'll go ahead and answer 7 the question.</p> <p>8 I'm going to ask you questions looking for 9 facts and information that you know personally or that 10 you may have heard from somebody else or learned from 11 others or gotten through other sources.</p> <p>12 If you do not know the answer to a question I 13 ask you, please let me know that. You're not here to 14 guess or speculate or assume anything in response to a 15 question.</p> <p>16 If you can estimate or approximate in response 17 to a question, that might be helpful. If I ask you for 18 a date or a time of day or something like that and you 19 can't give me a specific answer but you can say 20 generally, you know, what time of day something 21 happened or approximately what a date was that 22 something happened, please tell us that and that could 23 be helpful.</p> <p>24 Is there any reason that you could not testify</p>
<p>1 answer.</p> <p>2 If you don't understand the question -- the 3 question could be wordy or unclear in some way -- just 4 ask my to restate, rephrase or clarify the question and 5 I'll be happy to do that for you.</p> <p>6 If you give me an answer to a question, I will 7 assume that you understood the question and that you're 8 giving me your best recollection of facts and events 9 going back as far as 1998, 1999, 2000.</p> <p>10 Please let me complete the question before you 11 give an answer, for two reasons: Number one, so that 12 you know exactly what it is I'm asking you; and number 13 two, so that the court reporter only has to take down 14 one of us speaking at a time. So, I'll try to make sure 15 I don't interrupt your answer, and if you do the same 16 with my questioning, that will be helpful.</p> <p>17 You have to give a verbal response to all 18 questions; no gestures such as a head-nod yes or no or 19 some kind of hand gesture. The court reporter is making 20 a typed transcript of what is said here today, so you 21 have to verbalize all your answers.</p> <p>22 You must answer every question that I ask you 23 fully and to the best of your ability, unless your 24 attorney objects to a question. He will state his</p>	<p>1 or would not be able to testify today in response to 2 all my questions? Any medical reasons, health reasons 3 or any other reasons?</p> <p>4 A. No.</p> <p>5 Q. If I ask you a question about facts that you 6 knew at one time but you simply can't recall now 7 because of the passage of time, please tell me that and 8 that will be a sufficient answer as well.</p> <p>9 That's as opposed to a situation where I ask 10 you facts which you never had and you just don't know 11 the answer to a question; then you will indicate to me 12 that you don't know the answer to the question.</p> <p>13 Do you understand that you're required to 14 answer all of the questions today truthfully and that 15 you have taken an oath and sworn to do so?</p> <p>16 A. Yes.</p> <p>17 Q. And do you understand that your testimony here 18 today is the same as if you would be testifying in 19 court in front of a judge or jury?</p> <p>20 A. Yes.</p> <p>21 Q. If you need a break for any reason or need to 22 talk to your attorney for any reason, please let me 23 know that and we'll take a break off the record.</p> <p>24 Just understand that you cannot ask for a</p>

2 (Pages 5 to 8)

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<p>1 break to consult with your attorney while a question is 2 pending. You have to answer the question and then you 3 can take a break after the question is answered.</p> <p>4 A. Okay.</p> <p>5 Q. Do you understand those instructions?</p> <p>6 A. Yes, I do.</p> <p>7 Q. Okay. Let me get some background information 8 about you first -- well, let me ask this first, 9 actually: Have you reviewed any documents in 10 preparation for your deposition today?</p> <p>11 A. Yes.</p> <p>12 Q. What documents have you reviewed?</p> <p>13 A. Documents with my attorney and Mr. Babb of 14 cases that happened at Pennridge High School.</p> <p>15 Q. Cases of sexual abuse of students?</p> <p>16 A. Yes.</p> <p>17 Q. Would those be documents that would be found 18 in the personnel records of Mr. Hart, Mr. Heath, Mr. 19 Ludlow and Mr. Romig?</p> <p>20 A. Hart, Heath and Ludlow.</p> <p>21 Q. And what did those documents consist of?</p> <p>22 A. Mostly personnel files.</p> <p>23 Q. How about newspaper articles about any of 24 them?</p>	<p>1 A. No, I don't believe I saw anything on Mr. 2 Romig.</p> <p>3 Q. Did you review any other documents that you 4 haven't mentioned?</p> <p>5 A. Not that I recall.</p> <p>6 Q. Did you read Mr. Romig's deposition 7 transcript?</p> <p>8 A. Yes.</p> <p>9 Q. When did you do that?</p> <p>10 A. I don't have an exact date.</p> <p>11 Q. Was it within the -- well, his deposition was 12 taken the beginning of May, I believe. Did you read it 13 in June, July or August?</p> <p>14 A. It was probably early June, but I can't 15 specify a date.</p> <p>16 Q. Did you make any attempt to talk to other 17 employees -- not your attorney but other employees -- 18 at Pennridge High School in order to obtain information 19 that you might be asked about at this deposition?</p> <p>20 A. Yes.</p> <p>21 Q. Who did you speak to?</p> <p>22 A. Assistant Principal Nick Schnoover.</p> <p>23 Q. Okay. Who else?</p> <p>24 A. Assistant Principal Scott Hagen and Assistant</p>
<p style="text-align: center;">Page 10</p> <p>1 A. I don't recall seeing a newspaper article. If 2 there was, I didn't read it.</p> <p>3 Q. Did you review any information about those 4 three individuals -- any documents, I'm sorry, 5 regarding those three individuals other than documents 6 from their personnel files?</p> <p>7 A. Just trying to recall here. Yes, I think there 8 was.</p> <p>9 Q. What were those?</p> <p>10 A. Trying to remember: Correspondence, so maybe 11 some emails. I'm not sure if they were the files or 12 just separate, but they were part of the communications 13 I was going through with my attorney.</p> <p>14 Q. Things such as suspensions of these teachers?</p> <p>15 A. Yes.</p> <p>16 Q. Due to accusations or complaints about them?</p> <p>17 A. Yes.</p> <p>18 Q. Correspondence like termination of a teacher 19 due to a finding that they were involved in sexual 20 abuse of students?</p> <p>21 A. Yes.</p> <p>22 Q. You said you reviewed the personnel files of 23 Hart, Heath and Ludlow. Did you review the personnel 24 file of Mr. Romig?</p>	<p style="text-align: center;">Page 12</p> <p>1 Principal Ray Ott.</p> <p>2 Q. Okay.</p> <p>3 A. And Mr. Babb.</p> <p>4 Q. And these discussions that you had were not in 5 the presence of your attorney, correct?</p> <p>6 A. Correct.</p> <p>7 Q. What did you discuss with the assistant 8 principals?</p> <p>9 A. I was looking for documents.</p> <p>10 Q. What kind of documents?</p> <p>11 A. Curriculum-type documents, athletic 12 contract -- trying to recall some of the things I 13 wanted to review. Policies, school policies, because 14 I'm not around school now since I'm retired. That's 15 why I contacted. . .</p> <p>16 Q. Okay. The curriculum documents, were those for 17 Elizabeth Nace?</p> <p>18 A. No, they were for health class.</p> <p>19 Q. Health class. And why did you ask for that?</p> <p>20 A. That was pertaining to curriculum related 21 to -- we've had been for many years dealing with 22 relationships.</p> <p>23 It's done by Nova, which is an agency that 24 comes in and does programs for our students in their</p>

3 (Pages 9 to 12)

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<p>1 health classes in tenth grade. It talks about 2 different subjects relating to relationships. 3 Q. What kind of relationships? 4 A. Dating, harassment, sexting -- I'm just trying 5 to name a few off the top of my head here, but we've 6 had them since I've been at Pennridge. 7 Q. And when was that? When did you start? 8 A. 1999. 9 Q. Is this part of a curriculum, or is this just 10 like a couple-hour course, or what? 11 A. We contract with Nova to come in and run 12 these. It gives the students opportunities to know 13 what's available in the community and also to get, for 14 a better word, a second opinion, you know, coming from 15 an outside source on how to deal with issues such as 16 the ones I mentioned. 17 Q. And is it a full-semester course or just a 18 health-aide course? 19 A. Health is a semester course. 20 Q. I'm talking about the Nova part of it. 21 A. No, it's just a few days. 22 Q. Given only once during the tenth grade? 23 A. Once during the tenth grade, yes. 24 Q. Not eleventh or twelfth.</p>	<p>1 Q. It's not just sexual harassment? It could be 2 harassment based on ethnicity, race, religion, anything 3 like that, correct? 4 A. If I recall the document, yes. 5 Q. And this document you referred to, you said 6 it's some kind of pamphlet or something like that? 7 A. There are pamphlets that are handed out to the 8 students. I know that because I've seen them before 9 they go into the session. So, the students can pick 10 what they might be concerned about or want knowledge 11 about. 12 Q. You also said that you talked to the assistant 13 principals about the athletic contracts. Those the 14 contracts for Mr. Romig? 15 A. No, I just wanted a blank copy of the contract 16 to make sure to review the wording. 17 Q. And is that contract titled "Extra duty 18 contract, coach/assistant coach"? 19 A. I'm not sure what it says on the top, but it 20 sounds right. 21 Q. Did you ever look at the contract or contracts 22 for Mr. Romig? 23 A. I believe I did the other day with Mr. Cox. 24 Q. The other thing you said that you discussed</p>
<p style="text-align: center;">Page 14</p> <p>1 A. Not eleventh or twelfth. 2 Q. The harassment part of that training, for lack 3 of a better word, does that include harassment or 4 sexual abuse of students by teachers or employees of 5 the school district? 6 A. I don't believe so. 7 Q. Since 1999 has there been any training to high 8 school students with regard to sexual abuse or 9 harassment or exploitation by teachers or other school 10 district employees? 11 A. Not that I recall. 12 Q. So, the harassment that you were referring to 13 that Nova would address would be harassment by other 14 students? 15 A. I don't sit in on the sessions; they're 16 supposed to be confidential. So, basically all I can 17 do is look at what Nova gives me in handouts or 18 pamphlets of what they're going to cover. 19 Q. And did it cover harassment between students 20 or among students? 21 A. It was an overall harassment. It didn't go 22 student-to-student. They might have mentioned that in 23 the sessions, but if you look at the document, it just 24 talks about harassment.</p>	<p>1 with these assistant principals were the school 2 policies. Is that correct? 3 A. Just to review them, yes. 4 Q. Which policies? 5 A. Sexual harassment. 6 Q. Any others? 7 A. No. 8 Q. Did you actually look at the policies? Did 9 they give you documents to look at? 10 A. No. 11 Q. When was the last time that the sexual 12 harassment policy for the school district was revised? 13 A. I don't recall. 14 Q. Are the policies that you looked at 15 designated -- I think it's number 248 and 448? 16 A. I don't recall numbers. 17 Q. How many policies did you look at? How many 18 different documents? 19 A. That was the only one. 20 Q. Have the policies on sexual harassment changed 21 over the years? 22 A. I know policies get updated yearly or, you 23 know, I review them every -- all the new policies with 24 the faculty on the first day. If there is a revision,</p>

4 (Pages 13 to 16)

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Page 17		Page 19
1 I review it with the faculty.	1 Q. BA?	
2 Q. We're going to look at the policies later, but	2 A. Yes.	
3 the last policy I saw in the documents that were	3 Q. Okay.	
4 provided to me by Mr. Cox seem to be revised sometime	4 A. Lehigh University, Masters of Education,	
5 during 2004.	5 Principal's Certificate.	
6 Do you know if there have been any revisions	6 Q. Year?	
7 since 2004 to that policy?	7 A. (No response)	
8 A. I don't believe -- I don't recall a revision	8 Q. Approximately.	
9 to that policy.	9 A. '86, 1986.	
10 Q. Did you review any documents on texting or	10 Q. Any other formal education?	
11 sexting?	11 A. Doctoral degree, Walden University.	
12 A. No.	12 Q. Walden, where is that?	
13 Q. Does Pennridge to this day have any policy	13 A. Minnesota.	
14 with regard to texting or sexting between teachers and	14 Q. What year?	
15 students or students and students, or any staff, any	15 A. 2011.	
16 employees and students?	16 Q. Anything else?	
17 A. I don't recall.	17 A. That's it.	
18 Q. You don't recall if there ever was one?	18 Q. Let's go over your employment background.	
19 A. I don't recall if there ever was one.	19 Maybe it's easier to work our way backwards. You	
20 Q. Do you know if there was ever a discussion at	20 retired when?	
21 the school district regarding the inclusion of the	21 A. 2014.	
22 policy with regard to texting or sexting between	22 Q. What month?	
23 district employees and students or between students and	23 A. June.	
24 students?	24 Q. And by whom were you employed before you	
Page 18		Page 20
1 A. I don't recall.	1 retired?	
2 Q. Are there any other documents that you recall	2 A. Pennridge School District.	
3 reviewing in preparation for this deposition other than	3 Q. From when to when?	
4 those that we've mentioned?	4 A. 1999 to 2014.	
5 A. Those are the only ones I recall.	5 Q. So, you were the principal at Pennridge High	
6 Q. Did you ever see the complaint in this case?	6 School during the period of time when all of those	
7 A. Yes.	7 sexual-abuse incidents took place involving Mr. Ludlow,	
8 Q. Do you recall when you saw that?	8 Mr. Hart, Mr. Heath and Mr. Romig?	
9 A. Sometime -- I'm not going to guess. I don't	9 MR. COX: Objection to the form. You	
10 recall.	10 can answer.	
11 Q. Do you recall seeing the answer that was filed	11 A. Hart and Heath, yes, but Ludlow was	
12 on behalf of Pennridge and you and Mr. Babb to the	12 exonerated.	
13 complaint?	13 Q. Let me rephrase it.	
14 A. I don't recall.	14 A. Okay.	
15 Q. Let's start with your educational background	15 Q. The accusations or complaints about Mr.	
16 starting with high school. Can you just give me a	16 Ludlow.	
17 chronology of all the formal education you've had?	17 A. Yes.	
18 A. Names of the schools?	18 Q. And the exoneration you're talking about is,	
19 Q. Yes, names, years, degrees.	19 he was found not guilty of having improper or	
20 A. Bishop Egan High School, Fairless Hills, PA,	20 inappropriate contact with a number of fifteen-year-old	
21 1974 graduation; West Virginia University, Morgantown,	21 students, correct?	
22 West Virginia, 1979 graduation.	22 A. Can you clarify "number"?	
23 Q. Degree?	23 Q. Three.	
24 A. Special-education degree.	24 A. Yes.	

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<p>1 Q. Okay. Was he the subject of a later complaint 2 by a teacher of sexual harassment?</p> <p>3 A. Yes.</p> <p>4 Q. What was that teacher's name?</p> <p>5 A. Brooke Roush.</p> <p>6 Q. And that was around 2010?</p> <p>7 A. I believe so.</p> <p>8 Q. We'll get into that a little bit later. So, 9 for Mr. Ludlow, who was found not guilty of the 10 criminal charges against him around 2000/2001, he is 11 the subject of a later complaint by a teacher of 12 inappropriate physical contact with him. Is that 13 correct?</p> <p>14 A. I don't recall physical contact. I recall, 15 for a better word, stalking.</p> <p>16 Q. And Brooke Roush was a teacher?</p> <p>17 A. Correct.</p> <p>18 Q. Is she still at Pennridge?</p> <p>19 A. I believe so.</p> <p>20 Q. You were principal of Pennridge for that 21 entire time, 1999 through 2014?</p> <p>22 A. Yes.</p> <p>23 Q. And by whom were you employed, and in what 24 position, prior to that?</p>	<p>1 A. '79/'80, one year.</p> <p>2 Q. What position?</p> <p>3 A. Special-education teacher.</p> <p>4 Q. Before that?</p> <p>5 A. That was it.</p> <p>6 Q. So, you started teaching as soon as you got 7 out of West Virginia?</p> <p>8 A. Correct.</p> <p>9 Q. Back in 2012/2013 how many students, 10 approximately, were at Pennridge?</p> <p>11 A. 2,400.</p> <p>12 Q. And how many employees in the high school, 13 approximately?</p> <p>14 A. Over two hundred.</p> <p>15 Q. That includes faculty, administrative staff, 16 coaches, everybody.</p> <p>17 A. Correct.</p> <p>18 Q. Within the school itself, were you the top of 19 the pyramid with regard to all of those people in terms 20 of being their supervisor, boss, whatever you want to 21 call it?</p> <p>22 A. Not in all instances.</p> <p>23 Q. In what instances would you not be at the top 24 of the pyramid?</p>
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<p>1 A. Upper Perkiomen School District, assistant 2 principal.</p> <p>3 Q. What years?</p> <p>4 A. 1987 to 1999, in that general vicinity.</p> <p>5 Q. And by whom were you employed before that?</p> <p>6 A. Pekriomen Valley School District.</p> <p>7 Q. In what position?</p> <p>8 A. Assistant principal.</p> <p>9 Q. What years?</p> <p>10 A. '83 to when I started at Upper Perk.</p> <p>11 Q. '87?</p> <p>12 A. '87.</p> <p>13 Q. And by whom were you employed before that?</p> <p>14 A. Colonial Northampton Intermediate Unit Number 20.</p> <p>16 Q. In what position?</p> <p>17 A. Special-education teacher.</p> <p>18 Q. For what years?</p> <p>19 A. '80 until the employment at Perkiomen Valley.</p> <p>20 Q. '83?</p> <p>21 A. Yes.</p> <p>22 Q. What about before that?</p> <p>23 A. Pulaski County Schools, Pulaski, Virginia.</p> <p>24 Q. What years?</p>	<p>1 A. IU personnel that came in.</p> <p>2 Q. What is IU?</p> <p>3 A. Intermediate Unit. They worked with speech 4 and hearing and they came in as contracted by the 5 district. Cafeteria workers, custodial staff, teacher 6 aides. That would probably be about it.</p> <p>7 Q. Who would be in charge of those people?</p> <p>8 A. Custodial was head of maintenance.</p> <p>9 Q. Did he report to you?</p> <p>10 A. No.</p> <p>11 Q. Who did he report to?</p> <p>12 A. Superintendent.</p> <p>13 Q. Okay.</p> <p>14 A. Cafeteria was food services, director of food 15 services. She reported to the business manager.</p> <p>16 Q. Okay.</p> <p>17 A. Teacher aides reported to the director of 18 people services.</p> <p>19 Q. And that person reported to the 20 superintendent?</p> <p>21 A. Correct.</p> <p>22 Q. Were those workers -- cafeteria, custodial and 23 teacher's aides -- were those part of the two hundred 24 that you said were employed by Pennridge?</p>

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1 A. That would be an estimation. 2 Q. But they were included in that number. 3 A. Yes. 4 Q. During your tenure as principal at Pennridge 5 from 1999 to 2014, were there any other allegations or 6 accusations of sexual abuse of an employee of Pennridge 7 High School against a student other than the ones that 8 we've already talked about? 9 Just sexual abuse. I'm not talking about any 10 other form of harassment, based on gender, religion, 11 race or whatever, but just sexual harassment. 12 A. The only one I can recall is maybe Chris 13 Seider. 14 Q. What was his position? 15 A. Physical education and health teacher. 16 Q. When was that, approximately? 17 A. 2012. That's an estimate. 18 Q. What was the accusation? 19 A. What came to my attention is that he was 20 inappropriately looking at girls as they stretched for 21 track practice. 22 Q. And who made the accusation? 23 A. A female student. 24 Q. What was done about it?	1 Q. There was no allegation of any type of 2 physical contact? 3 A. Not to me. 4 Q. That you learned of? 5 A. Learned of later? Yes. 6 Q. What was that? 7 A. Inappropriate touching. 8 Q. Involving what? 9 A. I know the human resource director dealt with 10 that; I did not. 11 Q. Who was that? 12 A. Ray Scarpantonio. 13 Q. What did he tell you about the allegation or 14 accusation of inappropriate touching? 15 A. I don't recall. 16 Q. Did it have to do with his work as a coach for 17 the track team? 18 A. I believe so. 19 Q. Was it just one person or more than one 20 person? 21 A. I don't recall. 22 Q. Did he deny the allegations or accusations 23 against him? 24 A. I don't recall.
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1 A. Mr. Seider was relieved of his duties as track 2 coach and put on an improvement plan. 3 Q. What is that? 4 A. It's a professional improvement plan where a 5 teacher has to meet with administration about lesson 6 planning and other things associated with the 7 classroom. 8 Administration goes into the class more 9 frequently to observe, and then an evaluation is done 10 to see if there is improvement as stated in the plan. 11 Q. And who made the decision to have him perform 12 that improvement plan? Is that your decision or 13 somebody else's? 14 A. I could have done it myself, but I know it was 15 a joint decision between the human resource director, 16 the superintendent and myself. 17 Q. Is this information in his personnel file? 18 A. I believe so. 19 Q. What was the resolution of that? 20 A. He was still on the improvement plan, I 21 believe, when I left. 22 Q. Were there any other instances reported about 23 him? 24 A. Not while I was there, that I recall.	1 Q. Was there a discussion between you, the 2 superintendent and the HR director about reporting his 3 activities to the DA's office, the police or Department 4 of Public Welfare? 5 A. I don't recall. 6 Q. There could have been? You just don't recall 7 if there was? 8 A. There could have been. 9 Q. But it was not reported, correct? 10 A. I don't recall that. 11 Q. Do you have any reason to believe that it was 12 reported? 13 A. I know Mr. Scarpantonio was handling the case 14 once it came to my attention, and I reported it to him 15 and Dr. Kish, the superintendent. 16 Q. If a decision was made -- strike that. If 17 there was a discussion about whether or not to report 18 this to the authorities, this inappropriate touching, 19 who would make the final decision whether or not it 20 would be reported? 21 MR. COX: Objection to the form. You 22 can answer if you can. 23 A. Usually the final decisions were decided by 24 the superintendent.

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<p style="text-align: right;">Page 29</p> <p>1 Q. And who was the superintendent at that time? 2 A. Dr. Kish. 3 Q. Now, other than accusations of sexual abuse or 4 harassment or exploitation by Mr. Seider, Mr. Hart, Mr. 5 Ludlow, Mr. Heath and Mr. Romig, were there any other 6 accusations or complaints about any other male teachers 7 or staff members or employees of Pennridge School 8 District during your tenure as principal? 9 A. Not that I recall. 10 Q. Has there ever been an accusation of sexual 11 harassment, abuse or exploitation of a student by a 12 female employee of Pennridge School District? 13 A. Not that I recall. 14 Q. Let's talk about hiring policies and practices 15 at Pennridge School District. First of all, in 16 general, what is the procedure for hiring -- let's be 17 specific -- a coach or an assistant coach for Pennridge 18 School District? What was the procedure back in 19 2011/2012? 20 A. The athletic director would gather 21 applications -- this is only for the head coach now. 22 Those applications were discussed between the athletic 23 director and myself. We would interview the candidates 24 and select from there. All paperwork was distributed</p>	<p style="text-align: right;">Page 31</p> <p>1 and the head coach, basically following the same type 2 of format. 3 Q. What would your involvement in that process 4 be, if any? 5 A. That was the decision of the athletic director 6 and head coach. I had no input to that. 7 Q. Did they have the authority to actually make 8 the offer and hire somebody without your approval? 9 A. Correct. 10 Q. Without the board's approval? 11 A. No. 12 Q. Still had to go to the board? 13 A. Correct. 14 Q. But it would go directly from them to the 15 board or through you? 16 A. Usually through HR. 17 Q. Through HR. 18 A. HR was, again, gathering all paperwork before 19 they submitted it to the board. The athletic director 20 and/or head coach would check references. 21 Q. Is there an employee-hiring policy at 22 Pennridge High School? 23 A. Not that I'm aware of. 24 MR. GROTH: I'm going to mark as</p>
<p style="text-align: right;">Page 30</p> <p>1 to HR. HR would check on clearances -- 2 Q. Criminal clearances? 3 A. Correct, and all other paperwork. References 4 would be either done by myself or the athletic 5 director, depending on the time of year because the 6 athletic director wasn't always full time. 7 Q. Let me stop you there, please. Who makes the 8 final decision whether or not to hire somebody? 9 A. For head coach? 10 Q. Yes. You started with head coach; let's start 11 with that. 12 A. That was an agreement between myself and the 13 athletic director. 14 Q. Does it involve the school board? 15 A. They would approve it once we put it into HR. 16 Q. And was that sort of a formality? Unless you 17 had some specific reason not to approve it, it would be 18 approved? 19 A. Some of those were questioned. 20 Q. What about the superintendent's role in that? 21 Any at all? 22 A. No. 23 Q. What about for assistant coaches? 24 A. That was done between the athletic director</p>	<p style="text-align: right;">Page 32</p> <p>1 Creeden exhibit one a document entitled "Pennridge 2 School District Number 304," section "employees," 3 titled "Employment of district staff" dated -- 4 adopted, rather, October 22nd, 2012. 5 I'm going to ask you to take a look at 6 that, please, for a second and then I'll ask you 7 some questions about it. If you want to flip 8 through and read some of it, you're welcome to do 9 that. Take as much time as you need. 10 THE WITNESS: Okay, go ahead. 11 (Exhibit Creeden-1 was marked for 12 identification) 13 BY MR. GROTH: 14 Q. Number one, have you ever seen that document 15 before? 16 A. Yes, I believe I have, during an 17 administrative staff meeting. 18 Q. What is that document? 19 A. What it states at the top? 20 Q. Is it a document that recites the procedures 21 to be followed to hire employees at Pennridge School 22 District? 23 A. I can speak to just the front two pages. The 24 other ones talk about Title 1, special education,</p>

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<p style="text-align: right;">Page 33</p> <p>1 personal-care assistants. They weren't hired -- 2 educational interpreters. They were hired by either 3 director of pupil services or HR. 4 Q. But you're familiar with the procedure on 5 pages one and two of that document, and it's pretty 6 much the procedure that you just testified to, correct? 7 A. Correct. 8 Q. Is there any separate hiring procedure for 9 coaches or assistant coaches, something separate and 10 apart from this document, including exhibit one, that 11 applied specifically to coaches or assistant coaches? 12 A. Not that I recall. 13 Q. On the second page of that document, about 14 two-thirds of the way down it states "The 15 superintendent or designee may apply necessary 16 screening procedures to determine a candidate's ability 17 to perform the job functions of the position for which 18 a candidate is being considered. The superintendent or 19 designee shall seek recommendations from former 20 employers and others in assessing the candidate's 21 qualifications. Recommendations and references shall 22 be retained confidentially and for official use only." 23 It says "The superintendent or designee shall 24 seek recommendations from former employers and</p>	<p style="text-align: right;">Page 35</p> <p>1 MR. COX: Objection to the form. You 2 may answer. 3 A. Not in every circumstance. 4 Q. In what circumstance would it not be 5 documented? 6 A. Only if there were concerns, they would be 7 documented. 8 Q. If there were no concerns -- would it be 9 correct to say that there would be no documentation 10 that anybody, either the AD or the head coach, made any 11 calls to former employers? 12 MR. COX: Objection to the form. You 13 may answer. 14 A. Can you repeat the question? 15 Q. Yes. If such -- strike that. If it would 16 only be documented if there were some concerns based 17 upon a check with a former employer, is it correct that 18 if there were no concerns, there would be no 19 documentation whatsoever? 20 A. Everybody kept their own sort of 21 documentation. I know, when I called for references, I 22 documented. Did it go in the personnel file? No, but I 23 kept my own notes. 24 Q. Okay.</p>
<p style="text-align: right;">Page 34</p> <p>1 references from others..." 2 Q. Are you the designee that's being referred to 3 in that policy, to your understanding? 4 A. To my understanding. 5 Q. And was it your understanding that as that 6 designee, you could designate the athletic director and 7 the head coach to do those checks -- check for 8 references and check with former employers -- you could 9 designate the athletic director or the head coach to 10 make those checks? 11 A. That's my understanding. 12 Q. And that's what you did in the situation 13 involving Mr. Romig. Is that correct? 14 A. Yes. 15 Q. And that's what you generally did for all head 16 coaching or coaching positions, correct? 17 A. Correct. The only difference here is, 18 superintendents saw all teaching staff before they were 19 hired. They did not see coaching staff. 20 Q. If the athletic director or the assistant 21 coach actually does check with former employers of an 22 applicant for a coaching position, is that supposed to 23 be documented in some way and put in the applicant's 24 file?</p>	<p style="text-align: right;">Page 36</p> <p>1 A. So, usually I wrote something down on my pad 2 or typed something. So, I know personally I wrote 3 every reference down -- name, time -- and followed it 4 up that way. 5 Q. Do you know if your athletic director and head 6 coach did the same thing with regard to Mr. Romig? 7 A. I don't know that. 8 Q. Do you know if they made any contact with 9 former employers of Mr. Romig before he was hired? 10 A. I don't know that. 11 Q. Did you ever ask them? 12 A. I did not. 13 Q. To this day you've never asked them whether or 14 not they contacted Faith Christian Academy about Mr. 15 Romig's prior coaching experience there? 16 A. To this day? 17 Q. To this day. 18 A. Yes, I have asked that. 19 Q. And what did Mr. Babb tell you? 20 A. I don't recall specifically. 21 Q. Mr. Koehler was the head coach? 22 A. Correct. 23 Q. Head softball coach, girls softball? 24 A. Yes.</p>

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<p style="text-align: right;">Page 37</p> <p>1 Q. Did you talk to him as well?</p> <p>2 MR. COX: Can we just specify the time</p> <p>3 frame we're talking about here?</p> <p>4 MR. GROTH: At any time up until today.</p> <p>5 A. Did I talk to Mr. Koehler...</p> <p>6 Q. About whether or not he made any checks of Mr.</p> <p>7 Romig's prior employers prior to Mr. Romig's hire by</p> <p>8 Pennridge.</p> <p>9 A. One of my Romig's employers -- it wasn't Mr.</p> <p>10 Koehler. Mr. Babb was his prior employer at one time,</p> <p>11 so I think -- I can't tell you exactly.</p> <p>12 I know he was at Quakertown and Mr. Babb was</p> <p>13 the employer -- or the athletic director at that time,</p> <p>14 not the employer.</p> <p>15 Q. Okay. So, that was contact with -- strike</p> <p>16 that. Is it your testimony that you understood that</p> <p>17 Mr. Babb had hired Mr. Romig to coach at Quakertown</p> <p>18 when Mr. Babb was the athletic director at Quakertown?</p> <p>19 A. Yes.</p> <p>20 Q. So, that's one former employer that Mr. Babb</p> <p>21 already knew about because he did the hiring, correct?</p> <p>22 A. That is correct.</p> <p>23 Q. Did Mr. Babb or Mr. Koehler ever tell you that</p> <p>24 they had checked with or sought a recommendation from</p>	<p style="text-align: right;">Page 39</p> <p>1 Romig, and that's when he told me about Faith Christian</p> <p>2 Academy.</p> <p>3 Q. Was that the first year that Mr. Romig was a</p> <p>4 coach?</p> <p>5 A. I believe so.</p> <p>6 Q. So, that would have been the 2011/2012 school</p> <p>7 year?</p> <p>8 A. I believe so.</p> <p>9 Q. And the softball season was in the spring, so</p> <p>10 that would have been 2012 in the spring, correct?</p> <p>11 A. That would have been the first year, yes.</p> <p>12 Q. Okay. And you said Mr. Babb came after you</p> <p>13 spoke to Mr. Romig?</p> <p>14 A. It was probably a ten-second introduction. He</p> <p>15 came up, introduced himself. The JV game was over. He</p> <p>16 went on into the bleachers and then Mr. Babb came up</p> <p>17 later.</p> <p>18 Q. By that time Mr. Romig was no longer talking</p> <p>19 to you?</p> <p>20 A. Correct.</p> <p>21 Q. And tell me as precisely as you can what Mr.</p> <p>22 Babb told you.</p> <p>23 A. I asked him who the coach was because I knew</p> <p>24 all the other coaches because they were former</p>
<p style="text-align: right;">Page 38</p> <p>1 any other employer of Mr. Romig before he was hired at</p> <p>2 Pennridge?</p> <p>3 A. I know Mr. Babb told me that Mr. Romig was</p> <p>4 formerly employed at Faith Christian Academy.</p> <p>5 Q. When did he tell you that?</p> <p>6 A. That was during a softball game.</p> <p>7 Q. Approximately what year?</p> <p>8 A. I don't recall.</p> <p>9 Q. Was it a girls softball game?</p> <p>10 A. Yes.</p> <p>11 Q. Was it before Mr. Romig's arrest?</p> <p>12 A. Yes.</p> <p>13 Q. Was it before Mr. Romig's hiring at Pennridge?</p> <p>14 A. No.</p> <p>15 Q. So, sometime after Pennridge hired him, hired</p> <p>16 Mr. Romig, you had a conversation with Mr. Babb at a</p> <p>17 girls softball game when he told you that Mr. Romig had</p> <p>18 been previously employed as a coach at FCA, correct?</p> <p>19 A. Correct.</p> <p>20 Q. What did he tell you?</p> <p>21 A. Mr. Romig introduced himself to me at the</p> <p>22 softball game, and that's the first time I met him. I</p> <p>23 was there by myself watching the game. Mr. Babb</p> <p>24 arrived afterwards and I questioned him about Mr.</p>	<p style="text-align: right;">Page 40</p> <p>1 graduates, and he told me that he was from -- he had</p> <p>2 him in Quakertown as a coach and he also coached at</p> <p>3 Faith Christian.</p> <p>4 Q. Did he tell you what he coached at FCA?</p> <p>5 A. I don't recall.</p> <p>6 Q. Did Mr. Babb tell you anything else?</p> <p>7 A. No.</p> <p>8 Q. About Mr. Romig.</p> <p>9 A. About Mr. Romig?</p> <p>10 Q. Yes.</p> <p>11 A. Not at that time.</p> <p>12 Q. Did you discuss with him at that time anything</p> <p>13 about the reason for Mr. Romig's departure from FCA?</p> <p>14 A. I don't recall.</p> <p>15 Q. Did Mr. Babb tell you how he knew that Mr.</p> <p>16 Romig coached at FCA?</p> <p>17 A. I don't recall.</p> <p>18 Q. So, let me just go back a second. So, in</p> <p>19 terms of Mr. Romig's initial hiring, you pretty much</p> <p>20 played no part in the procedures that are required to</p> <p>21 be followed to hire Mr. Romig as an assistant coach?</p> <p>22 Would that be a fair statement?</p> <p>23 MR. COX: Objection to the form. You</p> <p>24 may answer.</p>

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<p style="text-align: right;">Page 41</p> <p>1 A. That's correct. 2 Q. And that would have all been Mr. Babb as 3 athletic director, Mr. Koehler as head coach making a 4 recommendation to HR, which then sends it to the board. 5 A. Correct. 6 Q. Would it also be true, then, that you really 7 wouldn't have had any need to and did not review any of 8 the paperwork that's generally prepared by an applicant 9 for an assistant coaching position for Mr. Romig? 10 A. Assistant coaching position? Yes. 11 Q. And is it correct, then, that you did not 12 review any of that paperwork? 13 A. That is correct. 14 Q. For Mr. Romig. 15 A. That's correct. 16 Q. What was your initial impression of Mr. Romig 17 upon meeting him? 18 A. I didn't really have an impression. It was, 19 like I said, probably ten seconds. 20 Q. How long was your discussion with Mr. Babb 21 about Mr. Romig? 22 A. A few minutes, at the most. 23 Q. And during that time did you discuss with Mr. 24 Babb Mr. Romig's performance as a coach at Quakertown?</p>	<p style="text-align: right;">Page 43</p> <p>1 high school. 2 Q. Do you recall how long after October 1st, 2013 3 that took place? 4 A. I do not recall. 5 Q. Do you recall discussing with -- strike that. 6 Do you remember who the detective was or detectives who 7 discussed the criminal investigation with you? 8 A. I remember one detective. 9 Q. Who was that? 10 A. Detective Kemmerer. 11 Q. Was there more than one detective there? 12 A. Yes. 13 Q. Do you know if the other detective's name was 14 Slattery? 15 A. I don't recall. 16 Q. Was anybody else in the meeting besides you? 17 A. Yes, Mr. Babb. 18 Q. Anybody else? 19 A. I only recall us two. 20 Q. How long did it take, the meeting? 21 A. Approximately forty-five minutes to an hour. 22 Q. Was it a taped interview? 23 A. Yes. 24 Q. Did you ever receive any type of transcript of</p>
<p style="text-align: right;">Page 42</p> <p>1 A. I don't recall. 2 Q. Do you recall Mr. Babb telling you anything 3 more about Mr. Romig's coaching performance at FCA? 4 A. I don't recall. 5 Q. Did Mr. Babb ever tell you prior to Mr. 6 Romig's arrest on October 1st, 2013 any information 7 that he had obtained regarding the circumstances of Mr. 8 Romig's leaving FCA as a coach? 9 A. I don't recall. 10 Q. You don't recall whether or not you had any 11 conversations with Mr. Babb in which Mr. Babb informed 12 you of some information he had obtained about why Mr. 13 Romig left FCA? 14 MR. COX: Objection to the form. You 15 may answer. 16 A. No. 17 Q. After Mr. Romig was arrested, were you 18 interviewed by the Bucks County detectives who were 19 investigating the charges of sexual abuse involving Mr. 20 Romig and Elizabeth Nace? 21 A. Yes. 22 Q. Do you remember where that discussion took 23 place? 24 A. The conference room in the main office of the</p>	<p style="text-align: right;">Page 44</p> <p>1 the taped interview? Typed transcript, written 2 transcript? 3 A. Personally? 4 Q. Yes. 5 A. No. 6 Q. Do you know if one exists? 7 A. I do not. 8 Q. What kind of questions did Mr. -- strike that. 9 Did Mr. Babb make any statements during the interview? 10 A. He did most of the talking. 11 Q. Mr. Babb did most of the talking? 12 A. Yes. 13 Q. Was Detective Kemmerer the one asking you most 14 of the questions? 15 A. I don't believe he was solely asking all the 16 questions. I think the other detective -- Slattery, as 17 you stated -- also asked some questions. 18 Q. What was discussed? What did they ask and 19 what did you respond? Or what did Mr. Babb respond, as 20 best you can recall? 21 A. Mr. Babb gave information about Mr. Romig and 22 his background with him at Quakertown. He shared 23 during that time that he was in conversation with Mr. 24 Hollenbach from FCA.</p>

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<p style="text-align: right;">Page 45</p> <p>1 Q. At what time? 2 A. During that interview. 3 Q. When was he having a conversation with Mr. 4 Hollenbach? 5 A. I believe he stated during the athletic 6 director's meeting. 7 Q. PIAA meeting? 8 A. Either that or Suburban 1, one or the other. 9 Q. And what was said? 10 A. Mr. Babb stated that Mr. Hollenbach said 11 something about texting. 12 Q. Tell me as much of what Mr. Babb said as you 13 can recall. 14 A. That's pretty much what I recall. 15 Q. So, in this taped interview Mr. Babb told the 16 interviewer that he got some information from Mr. 17 Hollenbach about Mr. Romig and some texting issue at 18 FCA? 19 A. I don't know if he stated it that way. He 20 said something about texting. 21 Q. What did he say? What did Mr. Babb say? 22 A. I can't quote him. I just remember something 23 about texting. 24 Q. Did Mr. Babb say that was a reason Mr.</p>	<p style="text-align: right;">Page 47</p> <p>1 Mr. Romig. 2 Q. And were you aware at the time of this 3 interview with the Bucks County detectives that it was 4 inappropriate sexual texting between them? 5 A. Yes. 6 Q. So, when Mr. Babb at the interview talked 7 about something about texting and Mr. Romig at FCA, as 8 told to him by Mr. Hollenbach, you don't recall Mr. 9 Babb saying anything else about the nature of the 10 texting, the quantity of the texting, the content of 11 the texting, nothing about that at all? 12 A. All I remember -- 13 MR. KEMETHER: Objection to the form. 14 A. All I remember is texting. 15 Q. You also said Mr. Babb stated in this 16 interview that Mr. Romig left FCA due to some health 17 reason involving his heart. Is that correct? 18 A. Correct. 19 Q. Did Mr. Babb state when he first obtained that 20 information? 21 A. I don't recall. 22 Q. Did Mr. Babb state whether or not he knew that 23 information, that there was some kind of health problem 24 with Mr. Romig, before Mr. Babb hired him for</p>
<p style="text-align: right;">Page 46</p> <p>1 Hollenbach gave Mr. Babb about why Mr. Romig left FCA? 2 MR. COX: Objection to the form. You 3 may answer. 4 A. I believe he stated that Mr. Romig left 5 because of health reasons. 6 Q. Did Mr. Babb say what the health reasons were? 7 A. Something to do with his heart. 8 Q. Did Mr. Babb state whether or not the texting 9 that Mr. Romig was doing at FCA involved parents or 10 students or somebody else? 11 A. I don't recall that. 12 Q. At the time of this interview with the Bucks 13 County detectives, did you become aware from some 14 source of information that Mr. Romig had been texting 15 Elizabeth Nace for a few months, to the tune of 16 hundreds and hundreds of texts? 17 A. I don't recall hundreds and hundreds of texts. 18 Q. You don't recall being informed by the 19 detectives that there was an excessive texting 20 situation between Elizabeth Nace and Mr. Romig, and 21 that her parents found out about it and questioned her 22 and that's how they came to know what was happening? 23 A. I don't remember the word "excessive." I do 24 remember that there was texting between Elizabeth and</p>	<p style="text-align: right;">Page 48</p> <p>1 Pennridge? 2 A. I don't recall. 3 Q. Did Mr. Babb prior to this interview with the 4 detectives ever tell you that there was some kind of 5 health problem with Mr. Romig at his last coaching 6 position at FCA? 7 A. I don't recall. 8 Q. Did Mr. Babb say he obtained this information 9 from Mr. Hollenbach at FCA after he had already hired 10 Mr. Romig? 11 MR. SANTARONE: Objection to the form. 12 of the question. What information? 13 MR. GROTH: The information about the 14 texting. 15 THE WITNESS: Can you repeat the 16 question? 17 MR. GROTH: Sure. 18 BY MR. GROTH: 19 Q. During the interview or at any time after the 20 interview, did Mr. Babb ever indicate to you or state 21 to you that he had obtained from Mr. Hollenbach the 22 information about texting involving Mr. Romig at FCA? 23 A. Can you clarify "obtain"?</p> <p>Q. Yes. Did he say when he got this information</p>

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<p>1 from Mr. Hollenbach at this conference, PIAA or 2 Suburban 1, regarding the texting situation with Mr. 3 Romig at FCA?</p> <p>4 A. All I remember is he's saying that Mr. 5 Hollenbach said something about texting. It was during 6 the conversation.</p> <p>7 Q. Did you ever ask him -- ask Mr. Babb after 8 that interview when he obtained that information from 9 Mr. Hollenbach?</p> <p>10 A. A date?</p> <p>11 Q. A date or a time frame. In other words, 12 whether he got the information before Mr. Romig was 13 hired by Pennridge or after Mr. Romig was hired by 14 Pennridge.</p> <p>15 A. Mr. Romig was already hired by Pennridge.</p> <p>16 Q. Okay. At any time after the interview with 17 the county detectives, did you ask Mr. Babb whether or 18 not he did anything to find out more about the texting 19 issue involving Mr. Romig while at FCA?</p> <p>20 A. I don't recall.</p> <p>21 Q. Was it at this interview with the Bucks County 22 detectives after October 1st of 2013 when you first 23 heard of this texting issue involving Mr. Romig at FCA 24 from Mr. Babb?</p>	<p>1 let's-keep-an-eye-on-it approach?</p> <p>2 A. I don't recall.</p> <p>3 Q. Do you recall making that statement to the 4 Bucks County detectives at all, something to the effect 5 of "I told Mr. Babb let's keep an eye on it"?</p> <p>6 A. No.</p> <p>7 Q. I think we may have touched upon this a little 8 bit: Did Pennridge in 2012/2013 have any texting 9 policies in place at all referring to texting between 10 district employees and students?</p> <p>11 A. I can't recall the policy. I know it was 12 discussed, but was there a policy? Off the top of my 13 head, I cannot recall that.</p> <p>14 Q. I'm talking about a written policy.</p> <p>15 A. I understand.</p> <p>16 Q. But you don't believe there was a written 17 policy.</p> <p>18 A. I know we discussed it as a faculty, but the 19 written policy? I don't recall the time frame when that 20 was designed or created. But you said the year of . . .</p> <p>21 Q. 2012/13, any time before that year.</p> <p>22 A. I don't recall a written policy.</p> <p>23 Q. Was there a written policy after the Elizabeth 24 Nace accusations about texting between employees and</p>
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<p>1 A. Yes.</p> <p>2 Q. Do you recall Mr. Babb stating at the 3 interview with the county detectives that he had 4 discussed the issue of Mr. Romig's texting at FCA with 5 you before anything was known about Elizabeth Nace and 6 Mr. Romig?</p> <p>7 A. Yes, he did state that.</p> <p>8 Q. Was that true?</p> <p>9 A. Not that I recall.</p> <p>10 Q. So, if he had a conversation with you about 11 this texting issue, whatever the something about 12 texting was that you heard him say in the interview, 13 you didn't recall him and you don't recall Mr. Babb 14 ever telling you that before the interview? Is that 15 correct?</p> <p>16 A. That is correct.</p> <p>17 Q. That does not mean that he might not have told 18 you before the interview. You just simply don't 19 recall. Is that correct?</p> <p>20 A. I don't recall.</p> <p>21 Q. Do you recall stating with the Bucks County 22 detectives in the interview that after you received 23 this information about the texting issue and Mr. Romig 24 from Mr. Babb, that you would take a</p>	<p>1 students in the Pennridge School District?</p> <p>2 A. I don't recall.</p> <p>3 Q. You say it was discussed with faculty. That 4 would not include coaches or the athletic director or 5 the assistant coaches, correct?</p> <p>6 A. Correct.</p> <p>7 MR. GROTH: We're going to take a 8 break.</p> <p>9 THE VIDEOGRAPHER: The time is now 10 11:28 a.m. We're going off the record.</p> <p>11 (A brief recess was taken)</p> <p>12 THE VIDEOGRAPHER: The time is now 13 11:41 a.m. This begins DVD number two in the 14 deposition of Thomas Creeden. We are back on the 15 record.</p> <p>16 BY MR. GROTH:</p> <p>17 Q. Mr. Creeden, when you heard Mr. Babb tell the 18 county detectives about this issue he learned of about 19 texting and Mr. Romig while at FCA from Mr. Hollenbach, 20 did Mr. Babb say that he did anything further to 21 investigate exactly what the issue was?</p> <p>22 A. Not that I recall.</p> <p>23 Q. And you don't recall Mr. Babb saying anything 24 about the texting issue being between Mr. Romig and a</p>

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<p>1 student versus Mr. Romig and a parent or Mr. Romig and 2 another staff member?</p> <p>3 MR. COX: Objection to the form. You 4 may answer.</p> <p>5 A. I believe he said student.</p> <p>6 Q. Did he say female student?</p> <p>7 A. Not that I recall.</p> <p>8 Q. Now, you said -- I believe you testified 9 before we went on break that Mr. Babb may have provided 10 you with that information about Mr. Romig and a texting 11 issue while at FCA at some point prior to this 12 interview with the county detectives.</p> <p>13 MR. COX: Objection to the form.</p> <p>14 Q. Is that correct?</p> <p>15 A. What I recall is that he stated it during the 16 interview.</p> <p>17 Q. Okay.</p> <p>18 A. Okay? That's the first time I heard it.</p> <p>19 Q. He stated in the interview that he had 20 informed you of this at some point before the interview 21 and before Mr. Romig was arrested. Is that correct?</p> <p>22 MR. COX: Objection to the form.</p> <p>23 Q. Is that correct?</p> <p>24 A. That's correct.</p>	<p>1 please.</p> <p>2 MR. GROTH: Sure.</p> <p>3 BY MR. GROTH:</p> <p>4 Q. You didn't make that statement about let's 5 keep an eye on it to the detectives.</p> <p>6 MR. COX: Objection to the form. You 7 can answer.</p> <p>8 A. To the detectives?</p> <p>9 Q. Yes.</p> <p>10 A. I don't recall the conversation, so I wouldn't 11 have said it to the detectives.</p> <p>12 Q. I'm talking about during the interview with 13 the detectives after Mr. Babb relayed the information 14 about the texting issue with Mr. Romig at FCA.</p> <p>15 Do you recall yourself making a comment to the 16 detectives that -- strike that.</p> <p>17 Do you recall Mr. Babb making a comment to the 18 detectives that he would take a let's-keep-an-eye-on-it 19 strategy after receiving this information from 20 Hollenbach?</p> <p>21 A. That he would keep an eye on it.</p> <p>22 Q. Yes.</p> <p>23 A. That Mr. Babb would keep an eye on it?</p> <p>24 Q. Yes.</p>
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<p>1 Q. And as he stated that to the county 2 detectives, you did not recall that conversation.</p> <p>3 A. I did not recall that conversation.</p> <p>4 Q. Do you know whether or not Mr. Babb did 5 anything after receiving the information from Mr. 6 Hollenbach to get more information on the texting issue 7 involving Mr. Romig while he was a coach at FCA?</p> <p>8 A. Information from whom or when?</p> <p>9 Q. From anybody: From Mr. Hollenbach, from FCA, 10 from anybody.</p> <p>11 A. I did not recall him mentioning it.</p> <p>12 Q. Do you recall either you or Mr. Babb stating 13 to the county detectives that after receiving that 14 information from Mr. Hollenbach, after Mr. Babb 15 received that information about Mr. Romig's texting 16 issue at FCA, that you or he would keep a 17 "let's-key-an-eye-on-it strategy"?</p> <p>18 A. I don't recall that.</p> <p>19 Q. You didn't say that to the detective?</p> <p>20 MR. COX: Mr. Groth, you're going over 21 terrain you covered before the break. I assume 22 that's purposeful. I'll object to the form. You 23 can answer.</p> <p>24 THE WITNESS: Restate the question,</p>	<p>1 A. I know he made that statement. I don't know 2 if he designated himself, that he said it.</p> <p>3 Q. What do you recall about that?</p> <p>4 A. I think he said that "we discussed it" and 5 that was the comment that came out of it. I don't know 6 if he designated himself or me.</p> <p>7 Q. Just so I understand this: Mr. Babb made the 8 comment that after you and he discussed the texting 9 issue, the issue which you didn't recall discussing 10 with him before the interview, somebody said "We'll 11 take a let's-keep-an-eye-on-it strategy"?</p> <p>12 A. According to Mr. Babb, that's what he recalls.</p> <p>13 Q. And did he say whether or not you said that or 14 he said that?</p> <p>15 A. I don't recall that. I don't think he 16 designated a person.</p> <p>17 Q. He designated somebody?</p> <p>18 A. I don't believe he designated a person.</p> <p>19 Q. Okay. During the investigation of Mr. Romig's 20 activities at Pennridge, did any other female student's 21 name come up as part of the investigations other than 22 Elizabeth Nace?</p> <p>23 A. That's the only name I know of.</p> <p>24 Q. Was there a student there at the time named</p>

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<p style="text-align: right;">Page 57</p> <p>1 live Campbell? 2 A. I don't recall that name. 3 Q. Do you know whether or not Mr. Romig 4 interviewed for a coaching position at Pennridge in 5 2008/2009? 6 A. 2008/2009? I do not know that. 7 Q. Did that come up in the interview with the 8 county detectives? 9 A. Not that I recall. 10 Q. Do you recall anything else about your 11 interview with the county detectives after October 1st, 12 2013? Anything else that was discussed among the 13 detectives and you and Mr. Babb. 14 A. There was a request by Detective Kemmerer, or 15 maybe both detectives, to not let this be known to the 16 community or the players or Liz' teachers. 17 Q. Not let what be known? 18 A. That this event took place. 19 Q. But by the time of this interview the event 20 was already published in the media, correct? 21 A. But the name of the person wasn't published. 22 Q. That's what I was getting to. The discussion 23 was that Elizabeth Nace's name was not to be revealed 24 to anybody, correct?</p>	<p style="text-align: right;">Page 59</p> <p>1 when questions arose, I asked them to give Elizabeth 2 extra time. 3 Q. Asked who? 4 A. Asked the teachers. 5 Q. And what reason did you give for that? 6 A. I didn't give them a reason. 7 Q. Your attorney provided all counsel with the 8 academic record of Ms. Nace, including her grades, 9 attendance record and disciplinary records. Did you 10 review those prior to this deposition? 11 A. I don't remember reviewing those. 12 Q. Any other topics that you can recall were 13 discussed with the detectives during their interview 14 with you and Mr. Babb? 15 A. I don't recall any other ones. 16 Q. Did the detectives ask you or Mr. Babb to 17 accumulate any information for them as part of their 18 investigation? 19 A. Not that I recall. 20 Q. Did Pennridge conduct its own investigation 21 into the allegations of Elizabeth Nace against Mr. 22 Romig after Pennridge was informed of the investigation 23 by the police authorities? 24 A. Not that I recall.</p>
<p style="text-align: right;">Page 58</p> <p>1 A. Yes. 2 Q. The information about the alleged sexual abuse 3 and misconduct had already been out in the press. 4 A. That is correct. 5 Q. And were there efforts by Pennridge High 6 School to ensure that her identity did not become 7 knowledge within the high school community? 8 A. Yes. 9 Q. What was done? 10 A. Well, we met with Mrs. Nace after the 11 interview and we took her recommendation, which was not 12 to share her name with the players or with the 13 teachers, and to do everything we can to make sure she 14 stayed on National Honor Society, to keep her grades 15 up. I told her that she would not be taken off of the 16 National Honor Society. 17 Q. Did Mrs. Nace say why she thought there was a 18 possibility that she might -- that Elizabeth Nace might 19 not be able to stay on the National Honor Society 20 because of this? 21 A. She was just concerned that she may fall off 22 of her grades. 23 Q. Do you know if her grades did fall off at all? 24 A. No, not that I'm aware of. But I know I --</p>	<p style="text-align: right;">Page 60</p> <p>1 Q. Did the police authorities instruct you or Mr. 2 Babb not to try to conduct your own investigation, that 3 they would handle it all themselves? 4 A. Not that I recall. 5 Q. Did anybody at Pennridge do anything after Mr. 6 Romig was arrested on October 1st, 2013 to try to 7 determine if Mr. Romig had engaged in any improper 8 sexual conduct with any other females at Penridge High 9 School? 10 A. There were sessions by the counselors with the 11 girls from the softball team, so there were questions 12 asked during those sessions. Some of them were 13 individuals; some of them were groups of two or three. 14 Q. What counselors? 15 A. Most of that was done by Shannon O'Sullivan, 16 the coordinator of counselors. 17 Q. When you say "counselors," are you talking 18 about guidance counselors or psychologist counselors or 19 what type of counselors? 20 A. We're talking about guidance counselors, and I 21 don't know if our school psychologist was involved at 22 all. But most of my communication was with Ms. 23 O'Sullivan. 24 Q. What was her title -- oh, coordinator of</p>

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<p>1 counselors?</p> <p>2 A. Yes.</p> <p>3 Q. Who was the school psychologist?</p> <p>4 A. They changed around that time, so I'm not sure</p> <p>5 if it was John Davison -- I'm trying to remember the</p> <p>6 other school psychologist. I don't recall his name.</p> <p>7 Q. Another male?</p> <p>8 A. Another male.</p> <p>9 Q. Did you have any direct contact with Mr. Romig</p> <p>10 after his arrest?</p> <p>11 A. The only time I saw Mr. Romig was when I was</p> <p>12 in the courtroom.</p> <p>13 Q. For what?</p> <p>14 A. For his sentencing.</p> <p>15 Q. So, you never spoke to him directly.</p> <p>16 A. No.</p> <p>17 Q. Do you know if Mr. Babb spoke to Mr. Romig</p> <p>18 directly after his arrest?</p> <p>19 A. I don't know.</p> <p>20 Q. With regard to the sentencing hearing, was</p> <p>21 there an issue that arose between you and some of the</p> <p>22 players on the girls softball team about permitting</p> <p>23 them to miss school to attend his sentencing hearing?</p> <p>24 A. It was not about missing school. It was about</p>	<p>1 MR. GROTH: I've marked as Creeden</p> <p>2 exhibit two a group of documents that are</p> <p>3 Bates-numbered 022851 through 022976 that were</p> <p>4 provided to me by your counsel as constituting the</p> <p>5 Romig personnel file at Pennridge.</p> <p>6 Let me just state that the Romig part</p> <p>7 of that file goes between numbers 022851 and</p> <p>8 022945, and that the remaining documents between</p> <p>9 002946 and 022976 are documents relating to the</p> <p>10 allegations involving Mr. Heath and Mr. Hart.</p> <p>11 I'll show you those documents. I want</p> <p>12 to go over some of the documents with you. I'll</p> <p>13 refer to the Bates numbers so you know what pages</p> <p>14 we're dealing with here.</p> <p>15 (Exhibit Creeden-2 was marked for</p> <p>16 identification)</p> <p>17 BY MR. GROTH:</p> <p>18 Q. The first document -- I'll give the actual</p> <p>19 numbers, leaving out the zero -- is 22851. That</p> <p>20 purports to be the contract between Mr. Romig and</p> <p>21 Pennridge School District to act as "softball assistant</p> <p>22 varsity (JV) coach." And it is not dated, but it has a</p> <p>23 listing that he's going to be the assistant coach for</p> <p>24 the years 2011 to 2012.</p>
<p>1 how they were going to get to the courthouse.</p> <p>2 Q. What was the issue?</p> <p>3 A. I didn't want them driving together in one</p> <p>4 car, as they proposed. I would prefer that a parent</p> <p>5 accompany them.</p> <p>6 Q. Did you ever have a discussion with anybody at</p> <p>7 the school, including school employees and/or parents</p> <p>8 or the students themselves, that if they attended the</p> <p>9 sentencing hearing, it would be considered an unexcused</p> <p>10 absence?</p> <p>11 A. I don't recall that.</p> <p>12 Q. Why did you attend the hearing?</p> <p>13 A. I wanted to make sure the girls were safe.</p> <p>14 Q. Safe from what?</p> <p>15 A. Well, it was an emotional time and I wanted to</p> <p>16 follow up if there were any girls that were still</p> <p>17 upset.</p> <p>18 Q. And at the sentencing hearing did it appear to</p> <p>19 you that the girls that were there were upset?</p> <p>20 A. Most of girls there handled it very well. I'm</p> <p>21 not sure -- they were visibly upset, but I know most of</p> <p>22 them handled it well. And most of them were with their</p> <p>23 parents, and that was a good thing about it: They</p> <p>24 didn't come as a group.</p>	<p>1 Let me ask you first about the title of this</p> <p>2 document: "Extra Duty Contract," and it has</p> <p>3 "coach/assistant coach."</p> <p>4 What does that mean? Is that a special kind of</p> <p>5 contract?</p> <p>6 A. Well, there are other extra-duty contracts</p> <p>7 that are not coaches.</p> <p>8 Q. For whom?</p> <p>9 A. Clubs, activities.</p> <p>10 Q. Would it be fair to say that this type of</p> <p>11 contract is used, for example, for some faculty members</p> <p>12 who may be in charge of sponsoring clubs and</p> <p>13 extracurricular activities, something separate and</p> <p>14 apart from their teaching contract?</p> <p>15 A. Correct.</p> <p>16 Q. And in this particular case it actually lists</p> <p>17 coach/assistant coach, correct?</p> <p>18 A. Yes.</p> <p>19 Q. Did you consider Mr. Romig to be a contract</p> <p>20 employee of Pennridge as of the years 2011 through</p> <p>21 2013?</p> <p>22 A. For that designated season, yes.</p> <p>23 Q. Who is the Board of Education president who</p> <p>24 signed that contract?</p>

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<p>1 A. Looks like David Thompson. 2 Q. Is he still the president? 3 A. No, not that I'm aware of. 4 Q. Will you go over to the next page? It's 5 another contract -- same form, I believe that's 6 correct -- for the school year 2012 to 2013. It is 7 also signed -- I'm sorry, it dated January 28, 2013 and 8 signed by whom? 9 A. Looks like Dwayne Demming's signature. 10 Q. Who was he? Was he president at that time? 11 A. I believe so, yes. 12 Q. I would take it you're not familiar with Mr. 13 Romig's signature? 14 A. I am not. 15 Q. Do you see that the signatures on the two 16 contracts for employer are completely different? 17 MR. COX: Objection to the form. You 18 can answer. 19 A. Yes. 20 Q. Do you know whether or not Mr. Romig signed 21 either one of these contracts? 22 A. I do not. 23 Q. And the title that Mr. Romig -- strike that. 24 The position that he applied for and was given by</p>	<p>1 Q. And who on behalf of Pennridge would be 2 responsible for filling this out? There is no signature 3 at the bottom. 4 A. That would be the head of HR. 5 Q. Who was who at the time? 6 A. 2012, I believe that was Ray Scarpantonio. 7 Q. And would it have been his job to make sure 8 that all these boxes on here were checked and 9 everything that was listed on here was actually 10 completed and submitted? 11 A. Like I said, I don't remember this form too 12 much, but I would assume that would be his job under 13 his job description, yes. 14 Q. As opposed to the athletic director doing it? 15 A. Yes. 16 Q. Please flip over to number 22855. It's titled 17 "Pennridge School District - PAR Personnel Action 18 Request." It's dated down at the bottom February 18th, 19 2014. 20 Is that Ray Scarpantonio's signature down at 21 the bottom? 22 A. That looks like it. 23 Q. What is this form for? 24 A. I believe that goes to the board to complete</p>
<p style="text-align: center;">Page 66</p> <p>1 Pennridge is that of assistant varsity coach -- is that 2 correct? -- for softball? 3 A. It's stated on the contract. 4 Q. It's the same thing on the second contract: 5 Softball, assistant varsity coach, correct? 6 A. Yes, but then there's a JV on the first one. 7 Q. Do you know if Mr. Romig, in his two years at 8 Pennridge, acted as an assistant coach on the varsity 9 team as well as being the head coach of the JV team? 10 A. I do not know that. 11 Q. The game that you saw from the stands where he 12 introduced himself to you, was that a JV game or a 13 varsity game? 14 A. The JV game was over and he walked over from 15 the other field and came to the varsity game, but I 16 don't recall if he even sat on the bench. I think he 17 was talking to people. 18 Q. Look at the next page, 22853. What is this 19 document? 20 A. It says it's a coaching/EMT application and 21 summary form. 22 Q. Are you familiar with this form at all? 23 A. I've seen it, but I didn't use it. This was 24 something used with HR.</p>	<p style="text-align: center;">Page 68</p> <p>1 the hiring process. 2 Q. There's a line near the bottom that says 3 "Termination, last date worked 5/10/13," then it has a 4 word handwritten "paid" next to it. Do you know what 5 that means? 6 A. I do not. 7 Q. Let's go to page 22858, please. This is an 8 application for service staff personnel filled out by 9 Mr. Romig. I think it consists of four pages. 10 On that application for a coaching position, 11 the box at the top that's marked "coach," there are 12 spaces for employment history. 13 If you turn to the second page, 022859? Do 14 you see there is one employer listed there, R&R Service 15 Group? Do you see where I'm referring to? 16 A. Yes, I do. 17 Q. Do you know whether, in filling out this form, 18 that somebody applying for a coaching position is 19 supposed to also list all of their prior paid, 20 compensated coaching positions? 21 A. Not that I'm aware of. 22 Q. You don't believe that they're required to 23 list their prior coaching positions on this form? I'm 24 not talking about club or volunteer work or whatever.</p>

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<p style="text-align: right;">Page 69</p> <p>1 I'm talking about paid, compensated coaching positions 2 with another school, school district or private school, 3 whatever.</p> <p>4 A. I don't know if it's required.</p> <p>5 Q. In this case it wasn't done, correct?</p> <p>6 A. It wasn't done.</p> <p>7 Q. If you go to page 22861? There are a number 8 of references listed by Mr. Romig in this application: 9 Russ Hollenbach, Marc Hoover and Ray Hunsberger.</p> <p>10 Now, I know you've already testified that you 11 played little, if any, part in Mr. Romig's hiring 12 because he was an assistant coach. But do you know from 13 any source of information -- Mr. Babb or Mr. Koehler or 14 anybody else -- whether or not anybody from Pennridge 15 contacted any one of those references prior to the time 16 that Mr. Romig was hired by Pennridge?</p> <p>17 A. I do not.</p> <p>18 Q. Go over to page 022865, please. This is 19 titled "Pennridge School District, Staff Computer and 20 Information Systems User Agreement."</p> <p>21 Basically, it is signed by Thomas Creeden and 22 dated February 7, 2012, and it states that the employee 23 agrees to use all of the computer and network 24 information systems "in accordance with the Acceptable</p>	<p style="text-align: right;">Page 71</p> <p>1 policies of Pennridge. Is that correct?</p> <p>2 MR. COX: Objection to the form. You 3 can answer.</p> <p>4 A. Not that's documented here.</p> <p>5 Q. Have you worked at other schools where a 6 school or district employee has to sign such an 7 acknowledgment that they've read either a handbook or a 8 guide or some type of written publication by the school 9 outlining its policies, including policies for unlawful 10 harassment or sexual harassment, and that they agree to 11 follow those policies?</p> <p>12 A. Yes, Pennridge.</p> <p>13 Q. Pennridge does that.</p> <p>14 A. Yes.</p> <p>15 Q. For who?</p> <p>16 A. I did it for every high school faculty.</p> <p>17 Q. Faculty, not coaches.</p> <p>18 A. Not coaches.</p> <p>19 Q. Why not coaches?</p> <p>20 A. Again, that was determined by HR. I did that 21 on a personal basis with my high school faculty.</p> <p>22 Q. And HR determined it didn't have to be done 23 with coaches?</p> <p>24 A. I don't know --</p>
<p style="text-align: right;">Page 70</p> <p>1 Use Policy and the Guidelines promulgated thereunder," 2 correct?</p> <p>3 A. Correct.</p> <p>4 Q. My question to you is, is there any 5 acknowledgment or written document that Pennridge used 6 at this time, back in 2012, to indicate that the 7 employee was agreeing to abide by the harassment 8 policies or the sexual harassment policies of Pennridge 9 School District?</p> <p>10 By that I mean any written document signed by 11 the employee stating that "I have been informed of, 12 reviewed, understand, and agree to abide by the 13 unlawful harassment or sexual harassment policies in 14 place at Pennridge"?</p> <p>15 MR. COX: Objection to the form. You 16 can answer.</p> <p>17 A. Well, that specifically? No. But in the 18 contract it does say abide by all rules, regulations, 19 and policies of Pennridge School District, but it 20 doesn't say exactly sexual harassment.</p> <p>21 Q. So, what I'm getting at is, there's no 22 acknowledgment form signed by Mr. Romig that says that 23 he has been given a copy of or reviewed or agrees to 24 abide by the unlawful harassment or sexual harassment</p>	<p style="text-align: right;">Page 72</p> <p>1 MR. COX: Objection to the form. You 2 can answer.</p> <p>3 A. I can't say that was a statement from HR. I 4 just personally had the teachers sign off that they 5 went over the policies each school year.</p> <p>6 Q. Was it a similar form to the form that you 7 gave the students to sign off on and their parents?</p> <p>8 A. No, it was a form that had the teacher's 9 signature that they received the policies or the 10 teacher handbook, I should say, and the policies were 11 in there. Not all the policies, but the policies 12 pertaining to, because the policies was like a binder, 13 but they would sign off each year about the teacher's 14 manual.</p> <p>15 Q. Sign off on a written document.</p> <p>16 A. Yes.</p> <p>17 Q. And was each teacher given their own binder 18 with the policies and practices?</p> <p>19 A. The teacher handbook. It didn't have every 20 policy in it, but it had a lot pertaining to what 21 directly affected the high school.</p> <p>22 Q. And the handbook did include the sexual 23 unlawful harassment and sexual harassment policies?</p> <p>24 A. Yes.</p>

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<p style="text-align: right;">Page 73</p> <p>1 Q. Drug-free policy?</p> <p>2 A. Yes.</p> <p>3 Q. I'm not clear on whose decision it was --</p> <p>4 strike that. You indicated that it was your decision</p> <p>5 as principal to have the teacher sign off on getting</p> <p>6 their copy of and reviewing the teacher handbook,</p> <p>7 correct?</p> <p>8 A. Yes.</p> <p>9 Q. Did you decide whether or not any other type</p> <p>10 of district employee at the high school had to sign off</p> <p>11 on a similar handbook or some other written publication</p> <p>12 given the school's policies and practices?</p> <p>13 A. Did I decide if other employees besides the</p> <p>14 faculty?</p> <p>15 Q. Yes.</p> <p>16 A. No.</p> <p>17 Q. You didn't decide that.</p> <p>18 A. I didn't decide that. I just took care of the</p> <p>19 teachers.</p> <p>20 Q. So, it would be correct to say you did not</p> <p>21 decide not to include the coaches, correct?</p> <p>22 A. Right.</p> <p>23 Q. Did anybody at Pennridge decide not to make</p> <p>24 the coaches sign a written document saying that they</p>	<p style="text-align: right;">Page 75</p> <p>1 policy with regard to unlawful harassment or sexual</p> <p>2 harassment.</p> <p>3 A. I'm not aware of that.</p> <p>4 Q. Was Mr. Romig's improper conduct toward</p> <p>5 Elizabeth Nace the first time you had heard of a coach</p> <p>6 engaging in that type of activity with a player in this</p> <p>7 area, the area that you've lived and worked in for many</p> <p>8 years?</p> <p>9 A. I can't recall that.</p> <p>10 Q. You don't know whether or not you knew of some</p> <p>11 other, similar situation before?</p> <p>12 MR. COX: Objection to the form. You</p> <p>13 can answer.</p> <p>14 A. I can't recall a similar nature that I can</p> <p>15 recall right now.</p> <p>16 Q. Does Mr. Babb, as athletic director, report</p> <p>17 directly to you?</p> <p>18 A. Yes.</p> <p>19 Q. Did you ever instruct Mr. Babb to make sure</p> <p>20 that the coaches or assistant coaches that were hired</p> <p>21 by Pennridge were made aware of and were provided with</p> <p>22 copies of Pennridge's policies with regard to unlawful</p> <p>23 harassment, including sexual harassment?</p> <p>24 A. They were presented policies?</p>
<p style="text-align: right;">Page 74</p> <p>1 had received and reviewed the guidelines and policies</p> <p>2 at Pennridge with regard to unlawful harassment or</p> <p>3 sexual harassment or any other policy of the</p> <p>4 school...</p> <p>5 ...yes, or any other policy of school? Was</p> <p>6 it somebody else's decision not to have coaches do</p> <p>7 that?</p> <p>8 MR. COX: Objection to the form. If you</p> <p>9 understand the question, you can answer it.</p> <p>10 Q. I'll try to rephrase it if you need to hear it</p> <p>11 again.</p> <p>12 A. The only document I know they signed was the</p> <p>13 contract, which has that statement about the guidelines</p> <p>14 and policies of Pennridge School District.</p> <p>15 Q. Okay. Do you know if there was a procedure in</p> <p>16 place at Pennridge at the time Mr. Romig was first</p> <p>17 hired to provide coaches or assistant coaches with hard</p> <p>18 copies of the policies and procedures of Pennridge</p> <p>19 which they were expected to adhere to?</p> <p>20 A. Was there a procedure?</p> <p>21 Q. Yes.</p> <p>22 A. Not that I'm aware of.</p> <p>23 Q. So, you don't personally have any information</p> <p>24 that Mr. Romig was ever given any school district</p>	<p style="text-align: right;">Page 76</p> <p>1 Q. Yes.</p> <p>2 A. As two policies. No.</p> <p>3 Q. Did you ever require coaches or assistant</p> <p>4 coaches to undergo the same type or any type of sexual</p> <p>5 harassment training in terms of recognition of,</p> <p>6 reporting of, investigation of, or resolution of sexual</p> <p>7 harassment allegations to coaches or assistant coaches?</p> <p>8 A. Did I personally?</p> <p>9 Q. Yes, did you personally instruct Mr. Babb to</p> <p>10 make coaches and assistant coaches aware of those</p> <p>11 policies.</p> <p>12 A. The sexual harassment policies?</p> <p>13 Q. Yes.</p> <p>14 A. No.</p> <p>15 Q. Do you know whether or not Pennridge ever</p> <p>16 provided any training or instruction to any of its</p> <p>17 coaches or assistant coaches with regard to Pennridge's</p> <p>18 policies and practices involving unlawful harassment,</p> <p>19 including sexual harassment?</p> <p>20 A. Only if those coaches were part of the</p> <p>21 faculty.</p> <p>22 Q. I'm sorry?</p> <p>23 A. Only if those coaches were part of the</p> <p>24 faculty.</p>

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<p>1 Q. So, for those coaches that were hired, or 2 assistant coaches such as Mr. Romig who were hired who 3 were not part of the faculty, to your knowledge they 4 never received any training from Pennridge with regard 5 to Pennridge's sexual-harassment policies?</p> <p>6 A. To my knowledge, no.</p> <p>7 Q. Go over to page 22874, please. Do you have 8 that? I think it goes to page 22877 and it's titled 9 "Assistant coach evaluation form for Eric Romig" dated 10 6/6/12.</p> <p>11 On the last page of that, on 22877, is that 12 Mr. Koehler's signature?</p> <p>13 A. The second one?</p> <p>14 Q. Yes. Where it says "signature of head coach."</p> <p>15 A. Yes.</p> <p>16 Q. And that's Mr. Babb's signature as athletic 17 director?</p> <p>18 A. It looks like it, yes.</p> <p>19 Q. Are they the people who are responsible for 20 actually doing the evaluations of coaches or assistant 21 coaches?</p> <p>22 A. Assistant coaches, yes.</p> <p>23 Q. What about coaches?</p> <p>24 A. Head coaches?</p>	<p>1 A. No.</p> <p>2 Q. This document refers to the person whose name 3 I brought up before, Olivia Campbell. Have you ever 4 seen this document before?</p> <p>5 A. I don't recall it, but my name is on it, 6 so...</p> <p>7 Q. Does this refresh your recollection as to 8 whether or not Pennridge looked into whether or not 9 there was any inappropriate conduct between Mr. Romig 10 and Liev Campbell?</p> <p>11 MR. COX: Take your time and review it.</p> <p>12 A. Okay.</p> <p>13 Q. Does that refresh your recollection of what we 14 talked a little bit about before involving Liev 15 Campbell?</p> <p>16 A. I talk to a number of students; not every day. 17 I don't recall this specifically, but there must have 18 been a conversation according to Shannon.</p> <p>19 Q. Do you know whether or not there was any 20 follow-up to this email, any further investigation with 21 Liev Campbell?</p> <p>22 A. I do not know.</p> <p>23 Q. Does looking at this document refresh your 24 recollection as to whether or not Liev Campbell's name</p>
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<p>1 Q. Yes.</p> <p>2 A. I'm part of that.</p> <p>3 Q. You would be a part of it along with Mr. Babb 4 and Mr. Koehler -- just Mr. Babb.</p> <p>5 A. Not Mr. Koehler.</p> <p>6 Q. Go to page 22911, please. This is a number of 7 emails between Shannon O'Sullivan and Jacqueline 8 Rattigan. Who is Jacqueline Rattigan?</p> <p>9 A. She was the president and superintendent of 10 Pennridge School District.</p> <p>11 Q. Who was she on October 14, 2013? What was her 12 position?</p> <p>13 A. Superintendent -- October 4th of 20...</p> <p>14 Q. 13.</p> <p>15 A. Jacqueline Rattigan was the superintendent.</p> <p>16 Q. Do you know when she became superintendent?</p> <p>17 A. It would be the beginning of that school year, 18 in the summer.</p> <p>19 Q. What was her position at Pennridge before 20 that?</p> <p>21 A. She didn't have a position.</p> <p>22 Q. I thought I saw a document that listed her as 23 CEO of something. Does that ring a bell with you at 24 all?</p>	<p>1 came up when you and Mr. Babb met with and talked to 2 the county detectives?</p> <p>3 A. It doesn't. I don't recall it.</p> <p>4 Q. Go over to the next page, 228912. Who is 5 James Dugan?</p> <p>6 A. James Dugan? I don't know who James Dugan is. 7 I'm trying to recall. James Dugan. I don't recall a 8 James Dugan, a teacher.</p> <p>9 MR. GROTH: Mr. Cox, can you enlighten 10 me?</p> <p>11 MR. COX: Mr. Dugan was the interim HR 12 director probably after Dr. Creeden's tenure came 13 to an end. So, that's who it was.</p> <p>14 MR. GROTH: I actually can see the date 15 on that. Thank you.</p> <p>16 BY MR. GROTH:</p> <p>17 Q. Do you know whether or not any other students 18 had ever complained about Mr. Romig's conduct prior to 19 the time that he was arrested on October 4th, 2013?</p> <p>20 A. I don't recall any complaints.</p> <p>21 Q. Other than this information that was given by 22 Liev Campbell to Ms. O'Sullivan, do you know if any 23 other student reported something to the administration 24 of Pennridge about Mr. Romig's conduct after he was</p>

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<p>1 arrested on October 1st, 2013?</p> <p>2 A. Reported to administration?</p> <p>3 Q. Anybody in Pennridge's administration.</p> <p>4 A. Not that I recall.</p> <p>5 Q. After Mr. Romig was arrested was there some</p> <p>6 type of notice that went out to parents or students or</p> <p>7 both or faculty asking that if anybody has any</p> <p>8 information regarding Mr. Romig's conduct, that they</p> <p>9 should contact the administration or the police</p> <p>10 authorities?</p> <p>11 A. Not that I recall.</p> <p>12 Q. Go to page 22927, please. This is a memo from</p> <p>13 David Babb to Ray Scarpantonio, received in human</p> <p>14 resources October 8, 2013. This is about a week after</p> <p>15 Mr. Romig was arrested.</p> <p>16 This purports to review the hiring process for</p> <p>17 Eric Romig as a high school softball coach. Have you</p> <p>18 ever seen this document before?</p> <p>19 A. I have not.</p> <p>20 Q. Take a moment to read it.</p> <p>21 MR. COX: Just this.</p> <p>22 THE WITNESS: Okay.</p> <p>23 BY MR. GROTH:</p> <p>24 Q. You've had a chance to read it?</p>	<p>1 Q. I think it's an E, also.</p> <p>2 MR. COX: There's an E.</p> <p>3 MR. GROTH: It's on the evaluation</p> <p>4 form. It looks like an E.</p> <p>5 BY MR. GROTH:</p> <p>6 Q. For an assistant coach to be hired, is it also</p> <p>7 typical for the applicant to meet in person with the</p> <p>8 head coach?</p> <p>9 A. Correct.</p> <p>10 Q. Do you know whether or not Mr. Romig actually</p> <p>11 met with Paul Koehler in person before he was hired by</p> <p>12 Pennridge?</p> <p>13 A. I do not know that.</p> <p>14 Q. This document for Mr. Babb says "met with Mr.</p> <p>15 Romig, also met with our head coach Paul Koehler for</p> <p>16 his approval," does it not?</p> <p>17 A. Yes, it does.</p> <p>18 Q. After Mr. Romig was arrested on October 1st,</p> <p>19 2013, did anybody from Pennridge contact FCA to learn</p> <p>20 any more details of the reason for Romig leaving FCA at</p> <p>21 the end of 2009?</p> <p>22 A. Not that I'm aware of.</p> <p>23 Q. Did Mr. Babb ever tell you that he contacted</p> <p>24 Mr. Hollenbach or anybody at FCA to try to find out</p>
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<p>1 A. Yes.</p> <p>2 Q. This document states that Mr. Babb interviewed</p> <p>3 Mr. Romig over the phone for the position that was open</p> <p>4 as a softball coach.</p> <p>5 Can you tell me whether those interviews are</p> <p>6 typically conducted over the telephone as opposed to in</p> <p>7 person?</p> <p>8 A. Over the phone instead of in person?</p> <p>9 Q. Yes.</p> <p>10 A. Not that I'm aware of. They're usually done</p> <p>11 in person.</p> <p>12 Q. Did Mr. Babb ever tell that you Mr. Romig did</p> <p>13 not actually apply for the position; that he contacted</p> <p>14 Mr. Romig because of his past association with him and</p> <p>15 asked Mr. Romig if he would be interested in the</p> <p>16 position?</p> <p>17 MR. COX: Objection to the form. You</p> <p>18 can answer.</p> <p>19 A. I don't recall that.</p> <p>20 Q. It says here "He," meaning Mr. Romig, "also</p> <p>21 met with our head coach Paul Koehler for his approval."</p> <p>22 I think I spelled Koehler wrong, or is that spelled</p> <p>23 wrong? Is it K-o-e-h-l-e-r or k-o-h-l-e-r?</p> <p>24 A. I think it's an E.</p>	<p>1 more about why Mr. Romig left FCA at the end of 2009?</p> <p>2 A. Not that I recall.</p> <p>3 Q. Before this lawsuit was filed, did you ever</p> <p>4 find out from any source that Mr. Romig was forced to</p> <p>5 resign from FCA because of a texting situation with a</p> <p>6 female student?</p> <p>7 MR. KEMETHER: Objection to the form.</p> <p>8 A. Forced to resign?</p> <p>9 Q. Yes.</p> <p>10 A. I don't know if -- I know he resigned, but I'm</p> <p>11 not sure if "forced" is the right word, so . . .</p> <p>12 Q. How did you learn whatever you learned about</p> <p>13 the circumstances surrounding his resignation?</p> <p>14 MR. COX: Again, now you're talking,</p> <p>15 Mr. Groth, before the lawsuit.</p> <p>16 MR. GROTH: Yes, before the lawsuit was</p> <p>17 filed, in and around the time the investigation by</p> <p>18 the police was going on.</p> <p>19 THE WITNESS: Can you restate the</p> <p>20 question?</p> <p>21 MR. GROTH: Yes.</p> <p>22 BY MR. GROTH:</p> <p>23 Q. Did you ever learn any more details about the</p> <p>24 circumstances surrounding Mr. Romig's resignation as a</p>

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<p>1 coach from both Quakertown and FCA at the end of 2009 2 at or around the time of the police investigation of 3 Mr. Romig?</p> <p>4 A. The only thing I remember is health reasons, 5 his heart.</p> <p>6 Q. Do you recall where you got that information? 7 A. I believe Mr. Babb stated it in the interview 8 with the detectives.</p> <p>9 Q. Do you recall reading anything about that in 10 the newspaper articles regarding Mr. Romig and the 11 police investigation and criminal charges against him? 12 A. I don't recall that.</p> <p>13 Q. Going back to Mr. Romig's personnel file, 14 number 22928, do you know who prepared this two-page 15 document? There is no signature or indication who the 16 author is.</p> <p>17 A. I'm just briefly reading through it. I don't 18 know --</p> <p>19 MR. COX: Take your time with it. 20 THE WITNESS: Okay. 21 (Pause)</p> <p>22 A. It could have been one of our counselors. 23 Q. But you can't tell just by reading it? 24 A. No.</p>	<p>1 the top. Do you know whose handwriting that is? 2 A. I do not. 3 Q. Is it your handwriting? 4 A. No. 5 Q. Go to page 22935, please. I think I asked you 6 before whether or not there was some kind of notice 7 that went out to parents or students about the Romig 8 situation and reporting any information they may have 9 about his conduct or behavior. 10 Do you recall this document at all? 11 A. I do not. 12 Q. It's not dated. It's to parents and guardians 13 of the Pennridge softball team. It basically talks 14 about Mr. Romig being taken into custody and students 15 being able to talk to counselors if they needed to, or 16 reporting any information they may have about the case 17 to the Bucks County district attorney's office. 18 It's from Jacqueline Rattigan and it has her 19 listed as CEO, Pennridge School District. Do you 20 remember I asked you about her being CEO? 21 A. The only thing I can remember about that is 22 that Dr. Kish was still under contract as 23 superintendent, and I think for her to transition she 24 was given that title, but that's the only thing I could</p>
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<p>1 Q. No? 2 A. No. 3 Q. It's dated October 7th, I think it's 2013. In 4 the top paragraph it says "Two of the girls talked 5 about the game. The Bells played at Quakertown over 6 the weekend, where players from Quakertown were 7 taunting them and asking who it was." 8 Was there any taunting or harassment of the 9 girls softball team within the school after Mr. Romig 10 was arrested? 11 A. That I was made aware of? 12 Q. Yes. 13 A. Not that I recall. 14 Q. Were there any -- was there any taunting of 15 the -- strike that. 16 Would you go to page 22931, please? This is a 17 letter from the Hornstine, Pelloni & Hornstine law firm 18 to a number of people, including Jacqueline Rattigan of 19 Pennridge School District and Dwayne Demming from 20 Pennridge School District, with regard to the Nace and 21 Romig situation. 22 Do you recall seeing this letter? 23 A. I don't recall seeing this letter. 24 Q. There is a handwritten "received 11/22/13" at</p>	<p>1 recall why she would have that title. 2 Q. And is that chief executive officer? If you 3 know. 4 A. I don't -- I don't know. 5 Q. I want to spend some time with you going over, 6 at least in summary form, the sexual abuse allegations 7 and complaints and the investigations of the other 8 teachers that we discussed earlier in the deposition 9 going back to the end of the 1990s and beginning of the 10 2000s. 11 If my chronology is correct here, the first 12 person that was accused of some sexual misconduct 13 during your tenure starting in 1999s was Mark Ludlow. 14 Would that be correct? 15 A. That's correct. 16 Q. Can you just summarize for me basically what 17 the allegations or complaints were against him and what 18 action was taken? 19 A. The two students came down with their 20 guidances counselor, and they said that while Mr. 21 Ludlow was passing out papers he touched their breast, 22 but they were unsure if it was an accident or on 23 purpose. 24 Q. So, what happened?</p>

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<p style="text-align: right;">Page 89</p> <p>1 A. We talked to the girls -- that's the guidance 2 counselor and myself -- and after that information was 3 given to me I called Dr. Kish and informed him of the 4 allegations.</p> <p>5 Q. So, what happened?</p> <p>6 A. Dr. Kish asked me to investigate more. Again, 7 the guidances counselor and I talked to the girls and 8 tried to get more information. It was the same, 9 whether it was an accident or on purpose. They also 10 shared some things about the way he was teaching.</p> <p>11 Q. About some of the comments he is making in 12 class.</p> <p>13 A. Correct.</p> <p>14 Q. Personal issues.</p> <p>15 A. Correct.</p> <p>16 Q. Having nothing to do with the curriculum.</p> <p>17 A. Correct.</p> <p>18 Q. Something about Betsy Ross.</p> <p>19 A. I don't know about that one.</p> <p>20 Q. Being a prostitute.</p> <p>21 A. That's 1999, but I'm trying to remember if 22 that was the direct quote, but there were comments in 23 class that were inappropriate.</p> <p>24 Q. By the way, what did he teach?</p>	<p style="text-align: right;">Page 91</p> <p>1 A. We began to talk to parents of the two girls. 2 We brought them in, talked to them, trying to see if we 3 could get the girls to move forward with this, and they 4 refused.</p> <p>5 Q. What did you want the girls to do?</p> <p>6 A. It was either report it to the authorities or 7 Children & Youth.</p> <p>8 Q. And you asked the girls if they wanted to do 9 that?</p> <p>10 A. No, the parents.</p> <p>11 Q. You asked the parents.</p> <p>12 A. Yes.</p> <p>13 Q. What was the response?</p> <p>14 A. They just wanted it to end. I think in the 15 meantime Dr. Kish also talked to the parents.</p> <p>16 Q. Now, at that time were you aware of the 17 provisions of the Child Protective Services law in 18 terms of mandatory reporting of sexual harassment?</p> <p>19 A. Yes.</p> <p>20 Q. Had you ever taken any training or course of 21 study or seminars or anything that explained the 22 definition of sexual harassment as well as the 23 reporting requirements and the investigation 24 requirements?</p>
<p style="text-align: right;">Page 90</p> <p>1 A. Social studies.</p> <p>2 Q. So, what happened next?</p> <p>3 A. I continued to report to Dr. Kish my findings, 4 and -- trying to get a sequence here. I asked the 5 counselor to remove the girls from the class. The girls 6 and their parents objected to that very strongly.</p> <p>7 At that time I continued to contact Dr. Kish, 8 letting them know that the girls did not want to 9 proceed with anything else.</p> <p>10 Q. Now, the girls told you that this had happened 11 to them on more than one occasion, correct?</p> <p>12 A. I don't recall that.</p> <p>13 Q. Did they tell you that he was doing more than 14 just brushing against them or touching their breasts; 15 that he was also rubbing their shoulders or back or 16 leaning into them where his face is almost touching 17 theirs, that type of thing?</p> <p>18 A. Not the specifics, but he would get close to 19 them, yes.</p> <p>20 Q. Close --</p> <p>21 A. Close to the students, yes.</p> <p>22 Q. Close to where they were uncomfortable.</p> <p>23 A. Yes.</p> <p>24 Q. So, what happened next?</p>	<p style="text-align: right;">Page 92</p> <p>1 A. No.</p> <p>2 Q. Okay. Have you ever read the statute? Strike 3 that. Had you ever read the statute up until the time 4 of this situation back in I believe it was 1999 or so?</p> <p>5 A. Not that I recall.</p> <p>6 Q. Did you have an understanding that if there 7 was sexual harassment of a student by a teacher as 8 defined by the statute, that there was an obligation of 9 the school administration or compliance officer to 10 report that to either the Department of Public Welfare 11 or the district attorney or the police department?</p> <p>12 A. I reported it to my superior and waited for 13 direction on that.</p> <p>14 Q. I'm not sure that answered my question. Were 15 you aware that in 1999, or whenever this occurred with 16 Mr. Ludlow, that if there was a claim of sexual 17 harassment as defined in the statute against a teacher 18 by a student, that was to be reported, first of all, to 19 the administration of the school and then by the 20 administration to the public authorities?</p> <p>21 MR. COX: Objection to the form. You 22 can answer.</p> <p>23 A. Again, I reported that to Dr. Kish.</p> <p>24 Q. You still didn't answer my question. I'm</p>

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<p>1 asking what you were aware of with regard to the Child 2 Protective Services law.</p> <p>3 A. Yes, I was aware of that.</p> <p>4 Q. And since you reported it to Dr. Kish, is it 5 your statement that Dr. Kish made the decision not to 6 report it to the authorities?</p> <p>7 A. Dr. Kish did not direct me to report it nor 8 did he report it.</p> <p>9 Q. So, it's his decision not to report it.</p> <p>10 A. In that situation, yes.</p> <p>11 Q. Did you have any discussion with him about why 12 neither he nor you was going to report this situation 13 to the authorities?</p> <p>14 A. I don't know if it was a discussion, but I 15 asked him what he wanted me to do.</p> <p>16 Q. Did you make a recommendation to him? Did you 17 tell him "we should report it"?</p> <p>18 A. Not that I recall.</p> <p>19 Q. Did he say to you anything to the effect of "I 20 know we should report it, but we're not going to report 21 it"?</p> <p>22 A. Not that I recall.</p> <p>23 Q. What did he say to you?</p> <p>24 A. Continue to investigate.</p>	<p>1 investigation and that I made several recommendations 2 to him in the future to be aware of, and I don't recall 3 what those recommendations are off the top of my head.</p> <p>4 Q. Were they something to the effect of don't 5 stand so close to the students, don't say anything in 6 class that doesn't involve the curriculum, that type of 7 thing?</p> <p>8 A. Well, we started a constant visitation of Mr. 9 Ludlow's class. And I say "we": It was the supervisor, 10 assistant principal and myself started going to the 11 class on a regular basis.</p> <p>12 Q. I'm sorry, it was you, who and who?</p> <p>13 A. Assistant principal.</p> <p>14 Q. Okay.</p> <p>15 A. And supervisor, social studies supervisor.</p> <p>16 Q. Who were they?</p> <p>17 A. The assistant principal was Keith Gotschall 18 saw and the supervisor was Dan Poncol.</p> <p>19 Q. So, you're monitoring his classroom 20 activities?</p> <p>21 A. Yes.</p> <p>22 Q. Anything else in that memo that you can 23 recall?</p> <p>24 A. Not that I can recall.</p>
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<p>1 Q. What other investigation was there to do?</p> <p>2 A. Well, if I recall correctly, I wanted to --</p> <p>3 the girls were going to tell me if there were any other 4 students that they may have been aware of that this 5 happened to, and they could not tell me at that time.</p> <p>6 Q. What happened next?</p> <p>7 A. I know we were trying to move forward to take 8 them out of the class, and basically at that time the 9 parents and students refused to move forward, then I 10 had to conclude my investigation.</p> <p>11 Q. How did you conclude it?</p> <p>12 A. With a memo to Mr. Ludlow.</p> <p>13 MR. GROTH: Can we go off the record a 14 second?</p> <p>15 THE VIDEOGRAPHER: The time is now 16 12:51 p.m. We are going off the record.</p> <p>17 (There was a discussion held off the 18 record)</p> <p>19 MR. GROTH: Back on the record.</p> <p>20 THE VIDEOGRAPHER: The time is now 21 12:51 p.m. We are back on the record.</p> <p>22 BY MR. GROTH:</p> <p>23 Q. What did the memo to Mr. Ludlow from you say?</p> <p>24 A. I'm paraphrasing here: That I concluded the</p>	<p>1 Q. You told me about talking to the kids, you 2 told me talking to the parents, you told me about 3 talking to Dr. Kish, and then we skipped to a memo to 4 Mr. Ludlow. You never told me about talking to Mr. 5 Ludlow.</p> <p>6 A. Oh, I did talk to Mr. Ludlow.</p> <p>7 Q. All right.</p> <p>8 A. On at least two occasions.</p> <p>9 Q. What was the discussion?</p> <p>10 A. I put forth the allegations; he denied them.</p> <p>11 I started monitoring -- I said I wanted to see his 12 plans and what he was presenting in class and that that 13 could go to Mr. Poncol, the social studies supervisor, 14 to make sure that he was doing the curriculum.</p> <p>15 And I think he started printing those 16 documents to Mr. Poncol somewhere along the road of 17 this whole process because I wanted to see if Mr. 18 Poncol was on board or what he was teaching and 19 comments that he was making.</p> <p>20 Q. What did Mr. Ludlow say when you told him what 21 the accusations were?</p> <p>22 A. He denied them.</p> <p>23 Q. Denied ever having any contact at all?</p> <p>24 A. I'm pretty sure he denied everything I said.</p>

24 (Pages 93 to 96)

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<p>1 Q. Did he give you any reason why he thought 2 these girls may be lying? 3 A. I don't recall that. 4 Q. Did you conclude when you talked to the girls 5 and to their parents that you thought the girls were 6 lying? 7 A. No. 8 Q. Would it be fair to say that based upon your 9 discussion with Mr. Ludlow, then your memo to Mr. 10 Ludlow -- strike that. When you met with Mr. Ludlow 11 was anybody else present? 12 A. The first time, no; and then I was told by the 13 union rep that I should have a union rep present, then 14 I met the second time with the union rep. 15 Q. What took place at that meeting? What was 16 said? 17 A. We basically rehashed what was in the first 18 meeting and to inform the union rep and to let him know 19 that, you know, these allegations were put forth. 20 Q. Would it be fair to say that you and Mr. Kish 21 and these other people -- the assistant principal and 22 the social studies supervisor -- were taking a 23 lets-keep-an-eye-on-it strategy? 24 MR. COX: Objection to the form. You</p>	<p>1 Fall? Spring? 2 A. I believe it was fall. 3 Q. Sometime around October? 4 A. The fall, yes. 5 Q. And you met with Mr. Ludlow; you discussed the 6 issues with him. You met with a Dr. Kish, and the 7 decision was made not to report this to authorities. 8 And you had the memo to Mr. Ludlow. 9 Despite all that, in January of 2000 you got 10 yet another report unrelated to the first two girls 11 from another girl who said he was doing the same thing 12 to her, correct? 13 A. That is correct. 14 Q. Okay. So, whatever you had decided to do 15 after the first two girls came forward and made the 16 allegation, it didn't work. 17 MR. COX: Objection to the form. You 18 can answer. 19 Q. Correct? 20 A. I think we got information on what he was 21 teaching and we did work through the process of that. 22 But if you're talking about the inappropriate touching, 23 yes. 24 Q. It did work.</p>
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<p>1 can answer. 2 A. No. 3 Q. But you were monitoring him more closely, 4 correct? 5 A. Monitoring him more closely, but visitations 6 were not uncommon. I probably increased them and asked 7 the supervisor and assistant principal to increase them 8 because they both had social studies backgrounds. 9 Q. So, you were keeping an eye on it. 10 MR. COX: Objection to the form. You 11 may answer. 12 A. Visitations were common on a regular basis, so 13 that was not something -- I used to walk the halls and 14 just pop into class, so this was not uncommon, that we 15 would be visiting. It was not a formal observation. 16 Q. But one of your resolutions was to visit him 17 more often. 18 A. Yes. 19 Q. Because of those allegations. 20 A. Well, yes. When things are brought to your 21 attention, whether -- in any of those situations, we 22 would go out and visit if there were concerns. 23 Q. All right. Do you recall the time of the year 24 when these two girls first made these allegations?</p>	<p>1 A. It didn't work. 2 Q. It did not work. 3 A. Right. 4 Q. And the girl that reported that in, I believe, 5 January of 2000 was totally unrelated to the two other 6 girls. There was not the same class or whatever. It 7 was just a separate girl altogether? 8 A. I believe so. 9 MR. GROTH: Let's go off the record. 10 THE VIDEOGRAPHER: The time is now 11 12:58 p.m. We're going off the record. 12 (A brief recess was taken) 13 (The following takes place off the 14 video record: 15 MR. COX: I have an objection to him, 16 David, basically going through these articles and 17 telling you about whether he thinks they're 18 accurate or inaccurate. 19 I think a better approach would be to 20 go through, and if you want to ask him questions 21 about particular facts set forth in them, that you 22 do so. He can tell you if he remembers them, 23 agrees with them, disagrees with them. 24 MR. GROTH: You can put the objection</p>

25 (Pages 97 to 100)

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<p>1 on the record. I'm going to do it the way I told 2 you originally. 3 Let's go back on the record. 4 (Exhibit Creeden-3 was marked for 5 identification)</p> <p>6 THE VIDEOGRAPHER: The time is now 1:58 7 p.m. This begins DVD number three in the 8 deposition of Thomas Creeden. We are back on the 9 record.</p> <p>10 BY MR. GROTH:</p> <p>11 Q. Mr. Creeden, when we left we were talking 12 about the sexual abuse allegation against Mark Ludlow 13 back in 1999/2000.</p> <p>14 I gave you what I've marked Creeden exhibit 15 number three, which is four local media articles, short 16 media articles, reporting on those allegations and the 17 outcome of those criminal allegations and charges 18 against Mr. Ludlow.</p> <p>19 I gave you an opportunity to read through 20 those articles. Did you read through the articles?</p> <p>21 A. Yes, I did.</p> <p>22 Q. Then I asked you to mark with a red pen with 23 an asterisk or some designation on the article any 24 facts that are reported in those articles which you</p>	<p>1 think the witness really understands or can 2 understand what you're asking him to do here, and 3 I don't think he can answer these questions 4 accurately.</p> <p>5 If there are specific facts, Mr. Groth, 6 that are set forth in these newspaper articles 7 that you want to ask him about, I think that's a 8 fair line of inquiry.</p> <p>9 But for him to just go through these 10 articles and try to ascertain what is accurate or 11 what's inaccurate, what relates to this case, I 12 think is very difficult, makes it virtually 13 impossible for him to answer the questions. 14 I object to this approach.</p> <p>15 MR. GROTH: Let me ask Mr. Creeden.</p> <p>16 BY MR. GROTH:</p> <p>17 Q. Do you understand what I asked you to do, to 18 mark with a red pen if there was some fact reported in 19 the articles that you believed or knew not to be true? 20 Do you recall me giving you that instruction?</p> <p>21 A. I do recall.</p> <p>22 Q. And did you understand that instruction?</p> <p>23 A. As it pertains to me or as it pertains to 24 other people stated in the articles?</p>
<p>1 believe to be or know to be incorrect. 2 Do you recall me giving you that instruction? 3 A. Yes, I do. 4 Q. After reading through those four articles, did 5 you find any -- and I'm only talking reported facts, 6 not other things that may be in the articles or things 7 that you don't know anything about, but about the facts 8 of which you have knowledge -- did you find any 9 reporting in these four articles to be incorrect in any 10 way?</p> <p>11 MR. COX: Objection to the form. 12 Q. You can answer. 13 A. What about the comments from people in the 14 community. 15 Q. Those aren't facts that you have knowledge of. 16 A. All right. I just want to clarify it, that's 17 all. 18 Q. I'm asking about the investigative facts that 19 you have specific knowledge of, the comments that were 20 attributed to you in the articles, that type of thing. 21 A. Okay, I'm going to review my comments, if you 22 don't mind. 23 MR. COX: And again, I just want to 24 note for the record my objection: That I don't</p>	<p>1 Q. As opposed to any facts of which you have 2 personal knowledge based upon your involvement in the 3 investigation of Mr. Ludlow and comments that you made. 4 A. Well, number one is, I just didn't leave it at 5 "don't touch the girls again." I'm looking at page one 6 of three. So, if you want to give me your pen, I'll 7 mark that. 8 There were instructions given to him as per 9 that memo. There were other things, if I recall, like 10 leaving his door open; make sure he's teaching the 11 curriculum. You know, just trying to call it off the 12 top my head. 13 So, on this it just says "He spoke to the 14 girls as well as advised the teacher not to touch the 15 students again." That was just the minimum of what I 16 told him not to do. That's the only statement in there 17 that I see right now. 18 Q. Well, is what's reported there incorrect? 19 MR. COX: Where? 20 MR. GROTH: What he's marked on the 21 article. 22 THE WITNESS: Well, there is a lot more 23 to it. 24</p>

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1	<p>1 BY MR. GROTH:</p> <p>2 Q. I'm not saying there is not more to it. I'm 3 saying is what is reported in the article correct or 4 incorrect? I'm not saying this is everything that 5 happened; obviously it's not. But is what is reported 6 here correct?</p> <p>7 MR. COX: Where specifically?</p> <p>8 MR. GROTH: Where he's put his 9 parenthesis.</p> <p>10 THE WITNESS: Yes, I said not to touch 11 the students again, but there is a lot more to it.</p> <p>12 BY MR. GROTH:</p> <p>13 Q. So, what is reported here is correct.</p> <p>14 A. That one statement.</p> <p>15 Q. Yes.</p> <p>16 A. Just looking for a response, and I know there 17 is more to this, so I'm. . .</p> <p>18 Q. All right, let's do it another way. Let's go 19 to the first article starting from the back. This is 20 an article dated August 19th, 2000, The Morning Call.</p> <p>21 A. Is that the one? Am I on the right page?</p> <p>22 Q. Yes.</p> <p>23 A. Okay.</p> <p>24 Q. It says here about eight lines down, "The</p>	<p>1 made to report to local authorities. Is that correct?</p> <p>2 A. That is correct.</p> <p>3 Q. Who made that decision?</p> <p>4 A. Dr. Kish.</p> <p>5 Q. Did you agree with that decision?</p> <p>6 A. Yes.</p> <p>7 Q. When Dr. Kish decided -- after the first two 8 girls reported improper conduct by Mr. Ludlow in 9 October of 1999, when Dr. Kish made the decision not to 10 report to authorities at that time, did you agree with 11 that decision?</p> <p>12 A. I discussed my apprehension with that 13 decision.</p> <p>14 Q. Does that mean you told them that you didn't 15 agree with it?</p> <p>16 A. I told them that we should report it.</p> <p>17 Q. Okay. On the last page of that -- or the 18 second page of that article, rather, it says, 19 'Regarding the allegations of sexual impropriety, Kish 20 said, the school was made aware of the situation and 21 conducted an investigation, which was monitored by our 22 attorney, and remained in constant touch with the 23 parents of the children involved.'</p> <p>24 Q. When we talked about the investigation, you</p>
1	<p>1 District conducted its own investigation." In terms 2 of who conducted that investigation, that would have 3 been you, correct?</p> <p>4 A. I was one of the people to conduct it, yes.</p> <p>5 Q. Along with Dr. Kish?</p> <p>6 A. He is part of some of those, not all of them.</p> <p>7 I had assistant principals and even a guidance 8 counselor in there, too.</p> <p>9 Q. It states in this article "After Ludlow 10 allegedly failed to heed a warning from Principal Tom 11 Creeden, the District dismissed Ludlow and contacted 12 Pennridge Regional Police in February." Is that 13 correct?</p> <p>14 A. I'm not sure about the month, but he was 15 dismissed, yes.</p> <p>16 Q. Well, the initial reports from the two girls 17 were October of 1999, correct?</p> <p>18 A. I believe so.</p> <p>19 Q. And then another girl reported the same type 20 of improper behavior by Mr. Ludlow in January of 2000, 21 correct?</p> <p>22 A. I believe so.</p> <p>23 Q. Okay. And it was only after the third girl 24 came in and reported that conduct that a decision was</p>	<p>1 didn't mention anything about an attorney. Was an 2 attorney involved?</p> <p>3 A. Not that I recall.</p> <p>4 Q. Was there a school district solicitor back in 5 1999?</p> <p>6 A. Yes.</p> <p>7 Q. Who was that?</p> <p>8 A. Eastburn & Gray.</p> <p>9 Q. Any attorney specifically?</p> <p>10 A. Trying to remember. It was kind of a 11 combination of Joanne Sommer and Jeff Finley. Now, Dr. 12 Kish might have contacted the attorney, but I don't 13 think I was in that loop. I don't remember that 14 discussion from 1999, to tell you truth.</p> <p>15 Q. After the third girl reported this conduct by 16 Mr. Ludlow in January of 2000 he was suspended. Is 17 that correct?</p> <p>18 A. That is correct.</p> <p>19 Q. Whose decision was that?</p> <p>20 A. Dr. Kish's.</p> <p>21 Q. And the allegations by the girls involved, the 22 first two girls, were not simply that he had done this 23 once or twice. Were they not that he was doing this on 24 a consistent basis?</p>

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1	A. Touching of the breast or just being close? 2 Q. Inappropriate touching. 3 A. Again, trying to remember from 1999, proximity 4 to the students was a big concern; he was too close to 5 them. But the only touching I remember the girls 6 stating was maybe a shoulder or when he is passing out 7 the papers and touching the breast. 8 Q. Now, that case went to trial in 2001 and Mr. 9 Ludlow was acquitted of any criminal charges, correct? 10 A. Correct. 11 Q. And while the case was pending was he 12 terminated by the school district? 13 A. Yes. 14 Q. After the trial did he ask to be reinstated? 15 A. I think PDE reinstated him. 16 Q. What's PDE? 17 A. Pennsylvania Department of Education. 18 Q. Was that over your objection? 19 A. I think it was over Dr. Kish and my 20 objections. 21 Q. So, even after he was not criminally convicted 22 of the criminal charges brought against him, would it 23 be fair to say that both you and Dr. Kish believed the 24 girls were telling the truth?	1 A. Yes. 2 MR. COX: Objection to the form. 3 Q. And he got back-pay and benefits going back to 4 the time that he was terminated? 5 A. That's my understanding. 6 Q. And then did you have any additional issues or 7 problems with Mr. Ludlow after that? 8 A. Clarify "problems." 9 Q. Problems of a female complaining about Mr. 10 Ludlow's behavior toward her or them. 11 A. Yes. 12 Q. When did that take place? 13 A. I'm not sure of the date. 14 Q. Was it sometime in 2010? 15 A. It's very possible. 16 Q. Who was the person that complained? 17 A. Brooke Roush. 18 Q. And who was she? 19 A. She was a teacher. 20 Q. What did she teach? 21 A. English. 22 Q. Between 2001, after the trial, and 2010 had 23 you had any complaints about Mr. Ludlow? 24 A. There were some student complaints about his
1	A. Yes. 2 Q. And in the article -- I think it's the second 3 one in -- dated January 10th, 2010, from the Inquirer 4 suburban staff, down at the third-to-last paragraph it 5 says "Throughout out the trial the three students 6 testified that during the fall of 1999 Ludlow 7 frequently touched their breasts, rubbed and massaged 8 their backs and shoulders and pressed his body against 9 them as he handed out papers or answered questions in 10 class." 11 Is that what the girls told you when you did 12 your investigation? 13 A. They didn't get that specific. It was more 14 proximity, but they did talk about touching the breasts 15 and the shoulder. But it made them uncomfortable when 16 he was so close to them. 17 Q. Did you attend the trial? 18 A. Well, just for -- for my testimony, then I had 19 to sit outside for the rest of it. 20 Q. And your testimony was about your 21 investigation? 22 A. Yes. 23 Q. So, after the trial Mr. Ludlow was reinstated 24 by the Pennsylvania State Education Association?	Page 110 1 behavior in class. 2 Q. What type of complaints? 3 A. Again, too close; if I recall, holding their 4 hand. Those are some of the things I remember. 5 Q. These were all female students that 6 complained? 7 A. Yes. 8 Q. And do you recall approximately when those 9 complaints were made? 10 A. I do not. 11 Q. Sometime between 2001 and 2010? 12 A. I don't remember the date, to tell you the 13 truth. 14 Q. What, if anything, did you do in response to 15 those complaints? 16 A. Called authorities. 17 Q. Who did you call? 18 A. Local police. 19 Q. Who? 20 A. It was Pennridge Regional. 21 Q. Did they do any investigation? 22 A. Yes. 23 Q. Who was the officer or detective? 24 A. I don't recall.

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<p style="text-align: right;">Page 113</p> <p>1 Q. What kind of investigation did they do? 2 A. I know they interviewed many of the students 3 in the class. 4 Q. And what was the result? 5 A. Unfounded. 6 Q. The police investigator found the complaints 7 unfounded? 8 A. Right. 9 Q. Now, what did Brooke Roush actually allege Mr. 10 Ludlow was doing? 11 A. Probably stalking. 12 Q. In what sense? 13 A. He would be out of his area where his room was 14 and down by her room. 15 Q. Doing what? 16 A. Just being around. She was in a class of his, 17 which was a class for staff development run by -- I'm 18 not sure if it was PDE or something like that, but he 19 was conducting a class for a teacher certification, you 20 know, continue your certification, and he was the 21 instructor in that class. 22 Q. And she is in the class. 23 A. Correct. 24 Q. Do you recall if she said that they were</p>	<p style="text-align: right;">Page 115</p> <p>1 then I'll ask you some questions about it. 2 In fact, look at that page and the next two 3 pages, three pages total. Does that help refresh your 4 recollection about what the complaint was and what the 5 resolution was? 6 A. Yes. 7 Q. Have you ever seen these documents before? And 8 I'm referring to an unlawful harassment complaint form 9 by Brooke Roush dated 12/16/10 and a handwritten note 10 from Brooke Roush dated 22974 -- 11 MR. COX: That's a page number. 12 MR. GROTH: Yes, page number 22974. 13 BY MR. GROTH: 14 Q. (Continuing) -- and a memo of a meeting with 15 Brooke Roush and Kennedy DeStefano with the Pennridge 16 Regional Police with a Bates number of 022975. Okay? 17 A. Yes. 18 Q. Have you seen these before? 19 A. Yes. 20 Q. As part of your investigation? 21 A. Yes. 22 Q. First of all, there are witnesses named on 23 number 22973: Kristin Young, Charlie Lainhart, Carol 24 Ressler and Mary-Anna Harvie. Who are those people?</p>
<p style="text-align: right;">Page 114</p> <p>1 having lunch together or meals together sometimes and 2 that he attempted to touch her inappropriately during 3 those lunches? 4 A. I don't remember that statement directly, but 5 there was concern from her about, again, being too 6 close or too much touching, too close to her. 7 Q. I'm sorry, too much -- 8 A. Too close to her personal space. 9 Q. And she reported that to whom? 10 A. Well, she reported it to the union people, 11 first of all, and then to me. 12 Q. What did you do about it? 13 A. Immediately notified Dr. Kish and HR, had a 14 meeting with him about the allegations, and not soon 15 after that he took a sabbatical, if I remember right. 16 Q. And then? 17 A. HR took over the investigation and found the 18 allegations to be founded. 19 Q. Founded. 20 A. Yes. 21 Q. Who at HR took over the investigation? 22 A. Ray Scarpantonio. 23 Q. Would you look at Creeden exhibit two, page 24 22973? Just read that to yourself for a minute and</p>	<p style="text-align: right;">Page 116</p> <p>1 A. All teachers. 2 Q. Did you talk to them? 3 A. Yes. 4 Q. What information did they give you? 5 A. Each one of them had a different take to it. 6 Specifically what they said was, you know, Brooke was 7 very upset. There was some contact being made by 8 Ludlow and, you know, they were coming to them to 9 discuss it with them. 10 Q. She was going to them. 11 A. Right. 12 Q. And did they say to you that they had actually 13 witnessed some of this inappropriate touching? 14 A. I can't recall if anybody witnessed it. I 15 thought maybe Mr. Lainhart did, but I don't recall if 16 anybody said that directly that they saw it. 17 Q. So, Ms. Roush's complaint was not just that 18 she was being stalked by this guy, but she says that 19 "During lunch, Mark would often touch me 20 inappropriately (rub my back, shoulders, knee) and this 21 would be uncomfortable for me." Is that correct? 22 A. Yes. 23 Q. "And that he also entered her locked classroom 24 and left gifts such as cards, inspirational stories and</p>

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<p style="text-align: right;">Page 117</p> <p>1 gifts, et cetera, in her classroom. 2 Do you recall her reporting that to you as 3 well? 4 A. Yes. It's in the statement and I do recall 5 it, yes. 6 Q. There is a sentence here -- and I'm not sure 7 if I'm reading this correctly. I'm not sure if I have 8 the names wrong. 9 "In October 2010, I sought help from Carol 10 Ressler and Marianna Harvie & informed them of my 11 concerns with Mark. Carol and Mary-Anna (& John 12 Winstanley) spoke privately to Mark." 13 Do you know anything about that conversation? 14 A. It did take place. 15 Q. Do you know any details about it? Did any of 16 these people tell you the details, what they talked 17 about? 18 A. John did. I spoke to him directly. 19 Q. Who was he? 20 A. He is the building rep. 21 Q. Union? 22 A. Union. 23 Q. Okay. And is he the one that spoke to Mark 24 Ludlow to try to get him to stop this behavior?</p>	<p style="text-align: right;">Page 119</p> <p>1 believes he will die soon. I promptly showed the 2 letters/packet to Ressler and Marianna Harvey. The 3 packets included stamped letters addressed to his 4 children, friends, family members that I was to mail 5 after his death. The situation was brought to the 6 attention of district administration (Mr. Creeden)." 7 Do you recall how this information was brought 8 to your attention? 9 A. She came directly up to my office. 10 Q. And up until that point was Mr. Ludlow still 11 working? 12 A. Yes. 13 Q. Doesn't have a date on it, does it. No. The 14 complaint form that we just looked at before is dated 15 12/16/2010. Do you recall when Mr. Ludlow stopped 16 working? 17 A. I do not. 18 Q. And again, he decided to take a sabbatical? Is 19 that correct? 20 A. It wasn't automatic, but it happened within a 21 week or so that that's what he came to do. 22 Q. Had you talked to him before he took a 23 sabbatical? 24 A. As soon as Brooke Roush came up to my office,</p>
<p style="text-align: right;">Page 118</p> <p>1 A. Yes. 2 Q. According to Ms. Roush, Mr. Ludlow kept 3 emailing her. 4 A. Correct. 5 Q. And in category on the document, the complaint 6 form, that says "What do you expect to happen to 7 correct or resolve the situation? Why?" she writes 8 "Mark needs to seek psychological care & be dismissed 9 from his position as a social studies teacher. Mark 10 has a history of instability, and I believe he poses a 11 great risk to children." 12 Did she discuss that with you? 13 A. Discuss it with me or just did I read the 14 document? That's all I remember. I don't know if she 15 said that directly to me. 16 Q. My question is, did she give you any more 17 information as to why she thought he posed a great risk 18 to children? 19 A. Not that I recall. 20 Q. The next page, 22974, is a handwritten note, I 21 believe, by Ms. Roush: It says, "Received a packet 22 from Mark in my school mailbox. The packet contained a 23 letter asking me to help him with preparations for 24 after his death. Mark states in his letter that he</p>	<p style="text-align: right;">Page 120</p> <p>1 I covered his class with another teacher and brought 2 him up to the office with a union rep. 3 Q. What was discussed? 4 A. The allegations that Brooke brought to my 5 attention. 6 Q. Did he deny them? 7 A. I don't think he totally denied them. He just 8 said, you know -- I'm not sure what he said exactly, 9 but he didn't totally deny them, no. He had a 10 different spin on it than Brooke did. What those words 11 were, I can't recall. 12 Q. On page 22975 in this memo, a meeting with 13 Pennridge Regional Police in mid December, Brooke Roush 14 and Kim DiStefano. Who is Kim DeStefano? 15 A. Union rep. 16 Q. It says in paragraph six, "Near the end of 17 October 2010 PE talked to Mark." Do you know who that 18 was? 19 A. That's the union. That's their initials, 20 Pennridge Educational Association. 21 Q. And did you know about that meeting? 22 A. No. 23 Q. She had not reported anything to you as of 24 then. Under the sexual harassment policy that was in</p>

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1	<p>effect at that time, who was the person to whom any</p> <p>2 complaints or allegations about sexual harassment were</p> <p>3 to be reported in Pennridge High School?</p> <p>4 A. That was to HR.</p> <p>5 Q. And that would have been Mr. . .</p> <p>6 A. Is that Mr. Scarpantonio at that time?</p> <p>7 Q. There was another woman. . .</p> <p>8 A. No.</p> <p>9 Q. Shellie Feola.</p> <p>10 A. I'm not sure of the transition, but she was an</p> <p>11 HR director. I'm not sure the year she was in there</p> <p>12 or. . .</p> <p>13 Q. Was she before Mr. Scarpantonio?</p> <p>14 A. I believe so.</p> <p>15 Q. And who is Charles Weber?</p> <p>16 A. Director of Pupil Services at that time, but</p> <p>17 he had different -- I had a couple different jobs, so</p> <p>18 I'm not sure what his title at that time was.</p> <p>19 Q. Was there a position in the school district</p> <p>20 called Title 9 Coordinator?</p> <p>21 A. Shellie?</p> <p>22 Q. I'm just saying, was there a position?</p> <p>23 A. She was; Shellie Feola was.</p> <p>24 Q. And was he ever the Title 9 coordinator?</p>	<p>1 Q. And his going on sabbatical, was that close in</p> <p>2 time after the filing of the complaint by Ms. Roush on</p> <p>3 December 16, 2010?</p> <p>4 A. Yes.</p> <p>5 Q. What happened after that with regard to Mr.</p> <p>6 Ludlow's status in the Pennridge School District?</p> <p>7 A. Trying to recall.</p> <p>8 Q. First, did he come back from sabbatical?</p> <p>9 A. Yes, he did.</p> <p>10 Q. And did he teach for a while?</p> <p>11 A. I'm trying to remember if the allegations were</p> <p>12 founded or not.</p> <p>13 Q. I thought you said it was decided they were</p> <p>14 founded by the HR department.</p> <p>15 A. Yes, but I'm trying to remember if that was</p> <p>16 Feola or was Scarpantonio in then.</p> <p>17 Q. Regardless of who it was, what happened to</p> <p>18 them after they determined that the complaint was</p> <p>19 founded?</p> <p>20 A. I can't remember what the punishment was.</p> <p>21 Q. Was he ever terminated?</p> <p>22 A. He was suspended, but I'm not going to say</p> <p>23 that right to the point.</p> <p>24 Q. Is he still teaching there now?</p>
1	<p style="text-align: center;">Page 122</p> <p>MR. COX: Objection to the form. Who</p> <p>2 is "he"?</p> <p>3 MR. GROTH: Mr. Weber, Charles Weber.</p> <p>4 THE WITNESS: I'm trying to recall if</p> <p>5 he was or not. I don't recall.</p> <p>6 BY MR. GROTH:</p> <p>7 Q. In any event, apparently from the time,</p> <p>8 according to this memo, PEA talked to Mark in October</p> <p>9 of 2010 and December 16th, 2010, none of this was</p> <p>10 reported to you. Is that correct?</p> <p>11 A. Just trying to remember dates here.</p> <p>12 Q. Go back. The complaint is December 16, 2010,</p> <p>13 by Ms. Roush.</p> <p>14 A. Yes.</p> <p>15 Q. So, you had no knowledge before her complaint</p> <p>16 of anything?</p> <p>17 A. I did not, no.</p> <p>18 Q. So, in any event, do you know how long after</p> <p>19 the complaint was made by Ms. Roush on December 16,</p> <p>20 2010 the police were contacted?</p> <p>21 A. Immediately.</p> <p>22 Q. And do you know if the police ever actually</p> <p>23 interviewed Mr. Ludlow?</p> <p>24 A. I believe they did.</p>	<p style="text-align: center;">Page 124</p> <p>1 A. Yes, he is.</p> <p>2 Q. Do you know if the school district ever moved</p> <p>3 to terminate him?</p> <p>4 MR. COX: Objection to the form.</p> <p>5 Q. Or took any direct action to try to terminate</p> <p>6 him.</p> <p>7 MR. COX: Objection. You can answer.</p> <p>8 A. Once again, he was suspended. And I'm not</p> <p>9 sure of the word termination. I think on the first</p> <p>10 case he was then wanted to be terminated, but the court</p> <p>11 placed him back -- the arbitrator put him back in and</p> <p>12 PE reinstated him with a certificate.</p> <p>13 Q. I'm talking about after the Roush complaint.</p> <p>14 A. I'm trying to recall. I don't remember what</p> <p>15 happened with that one, how he was disciplined. I do</p> <p>16 recall there is some discipline.</p> <p>17 Q. Was the Pennsylvania Department of Education</p> <p>18 notified?</p> <p>19 A. I believe so.</p> <p>20 Q. Do you know what action they took, if any?</p> <p>21 A. I don't know.</p> <p>22 Q. As of the time you left in 2014 he is still</p> <p>23 teaching.</p> <p>24 A. Correct.</p>

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<p>1 Q. Do you know if he taught in 2015?</p> <p>2 A. Yes, he did.</p> <p>3 Q. One last question about Mr. Ludlow: The last</p> <p>4 document in that group, 22976, is that the memo to Mr.</p> <p>5 Ludlow dated November 16, 1999 that you sent him after</p> <p>6 you did your investigation of the complaints of the</p> <p>7 first two girls in October of 1999?</p> <p>8 A. Yes.</p> <p>9 Q. Those are the directives, the instructions you</p> <p>10 gave to him to try to resolve that situation?</p> <p>11 A. Yes.</p> <p>12 Q. It says, "Please make sure you are not alone</p> <p>13 with students in your room in the building, vehicle or</p> <p>14 at your home."</p> <p>15 When you wrote that, were you meaning alone</p> <p>16 with one student at a time?</p> <p>17 A. Any students.</p> <p>18 Q. Well, wouldn't he be alone in a room with his</p> <p>19 students when he was teaching them?</p> <p>20 MR. COX: Objection to the form. You</p> <p>21 can answer.</p> <p>22 A. Not when there was a class in there.</p> <p>23 Q. Who else would be in there other than the</p> <p>24 students?</p>	<p>1 A. It was a student.</p> <p>2 Q. That's Sarah Webster?</p> <p>3 A. Yes, it was. The complaint came through her</p> <p>4 father.</p> <p>5 Q. And in that situation did her parents find</p> <p>6 some love letters from Mr. Heath in Sarah Webster's</p> <p>7 possession and that's when they brought this to your</p> <p>8 attention?</p> <p>9 A. I believe that to be true.</p> <p>10 Q. Okay. Why don't you go to page 22946 in</p> <p>11 Creeden exhibit two, please?</p> <p>12 A. 229...</p> <p>13 Q. 46.</p> <p>14 A. . . 46. Okay.</p> <p>15 Q. This is a mandatory report form? Is that</p> <p>16 correct?</p> <p>17 A. Yes.</p> <p>18 Q. Filled out and signed by Dr. Kish on 1/31/05?</p> <p>19 A. Yes.</p> <p>20 Q. It indicates that he was suspended -- Mr.</p> <p>21 Heath was suspended, with pay, on 11/18/04 and then</p> <p>22 suspended without pay on 12/13/04. Is that correct?</p> <p>23 A. That is correct.</p> <p>24 Q. And this report form states that there was an</p>
<p style="text-align: center;">Page 126</p> <p>1 A. Oh, you're talking about other students. I</p> <p>2 meant alone with one student.</p> <p>3 Q. That's what I was asking.</p> <p>4 A. Oh, okay. I'm sorry.</p> <p>5 Q. Okay. It says also on that Pennridge Regional</p> <p>6 Police memo, on page 22975, that "Mark was a PLS</p> <p>7 teacher instructing off district grounds and had a</p> <p>8 habit of inviting students to lunch at his home after</p> <p>9 instructing the course."</p> <p>10 Who were these students again?</p> <p>11 A. They were teachers.</p> <p>12 Q. I take it Pennridge had no policy regarding</p> <p>13 that particular activity, taking those types of</p> <p>14 students back to his house?</p> <p>15 A. They were adults.</p> <p>16 Q. Okay. Let's go to the next allegation of</p> <p>17 sexual abuse involving a male employee of Pennridge</p> <p>18 named David Heath.</p> <p>19 Are you familiar with the allegations in that</p> <p>20 particular situation and the resolution?</p> <p>21 A. Yes, I am.</p> <p>22 Q. According to the documents we were provided,</p> <p>23 this occurred sometime around January of 2005. Who was</p> <p>24 the complaining person in that situation?</p>	<p style="text-align: center;">Page 128</p> <p>1 allegation of an inappropriate relationship between Mr.</p> <p>2 Heath and a sixteen-year-old student which was reported</p> <p>3 by the students' parents on 11/17/04. An investigation</p> <p>4 followed, concluding that Mr. Heath was not truthful</p> <p>5 during the investigation and an inappropriate sexual</p> <p>6 relationship existed between Mr. Heath and the student.</p> <p>7 An unsatisfactory rating was issued and the teacher has</p> <p>8 been recommended for termination to the Board of</p> <p>9 Education. The board has not acted on this</p> <p>10 recommendation. Additionally, the teacher was charged</p> <p>11 with corruption of a minor and endangering the welfare</p> <p>12 of a minor on 1/28/05 in Bucks County."</p> <p>13 Who was this mandatory report sent to?</p> <p>14 A. I thought it was PDE because it's their form.</p> <p>15 Q. That form also refers to "Violation of board</p> <p>16 policies" -- this is on the second page -- "248 and</p> <p>17 448, unlawful harassment."</p> <p>18 Do you see what I'm referring to?</p> <p>19 A. Yes.</p> <p>20 Q. Were those the Pennridge policies in effect at</p> <p>21 that time with regard to unlawful harassment, including</p> <p>22 sexual harassment?</p> <p>23 A. I would assume it would be, because it's</p> <p>24 stated there in the document.</p>

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<p style="text-align: right;">Page 129</p> <p>1 Q. I'm going to mark as Creeden exhibit four two 2 documents entitled unlawful harassment, one saying it 3 applies to students, and the other one applies to 4 professional employees. They are Bates numbers 10545 5 through 10550. There you go. 6 (Exhibit Creeden-4 was marked for 7 identification)</p> <p>8 BY MR. GROTH: 9 Are you familiar with these documents? 10 A. Yes, I am. 11 Q. These documents, both policies 248 and 448, 12 indicate that they were adopted on August 20, 1990 and 13 revised -- 248 was revised December 21, 1999 and June 14 21st, 2004; policy number 448 for professional 15 employees unlawful harassment, was revised March 15th, 16 '99 and June 21st, 2004. 17 I'm going to ask you a question I asked you 18 before and maybe this will refresh your recollection; 19 maybe it won't: Do you know whether or not these two 20 policies have been further revised since June of 2004 21 up until the time of Mr. Romig's sexual harassment? 22 MR. COX: Objection to the form. 23 A. Can we go back to what you were stating there? 24 You were reading that from where?</p>	<p style="text-align: right;">Page 131</p> <p>1 on the website and theoretically would have the 2 last date of revision on it. 3 MR. GROTH: Okay. Let me mark another 4 document Creeden exhibit five. 5 (Exhibit Creeden-5 was marked for 6 identification)</p> <p>7 BY MR. GROTH: 8 Q. These are the same two policies -- I'm sorry, 9 this is policy 248, section "Pupils," titled "unlawful 10 harassment," adopted September 24th, 2012. 11 My question to you is whether or not you know 12 if this was the policy that was in effect as of the 13 time of the allegations against Mr. Romig in 2013. 14 A. I don't know of another revision. 15 Q. Okay. That document that's in front of you, 16 exhibit five, refers on the third page in the middle to 17 a compliance officer. 18 It states, "If the building principal is the 19 subject of a complaint, the student, third party or 20 employee shall report the incident directly to the 21 compliance officer." 22 Who was the compliance officer in 2013? 23 A. I believe that was the HR director, Ray 24 Scarpantonio.</p>
<p style="text-align: right;">Page 130</p> <p>1 Q. The dates -- 2 A. From up here, okay. But you were reading 3 other dates. 4 Q. If you go halfway back, there is another 5 policy number, 448. 6 A. So, you're reading the second. All right. 7 Q. My question to you is, do you know if those 8 documents or those policies were further revised after 9 June 21st, 2004 up until the time of the allegations 10 about Mr. Romig? 11 A. I do not recall that. 12 Q. You don't know of any? 13 A. I don't know of any, but it's possible they 14 could have been revised. 15 MR. GROTH: Let me ask Mr. Cox: I 16 didn't see anything in the documents that you 17 provided to me including these policies. 18 Do you know if there are any subsequent 19 revisions to these that I should be aware of? 20 MR. COX: Not offhand. 21 MR. GROTH: I'm going to hold you to 22 it. I'm not seeing anything later than the June 23 2014 revisions. 24 MR. COX: The current policy would be</p>	<p style="text-align: right;">Page 132</p> <p>1 Q. Going back to exhibit four, the unlawful 2 harassment policy last revised June 21st, 2004, number 3 248 in front of you? 4 In the fourth paragraph there it says "The 5 District shall inform students, staff, parents, 6 independent contractors and volunteers that unlawful 7 harassment of and by students will not be tolerated via 8 the annual distribution of this policy and the posting 9 of notices/signs in all district-owned buildings or 10 leased sites. The aforementioned individuals also shall 11 be notified that the unlawful harassment of and by 12 students will not be tolerated through the publication 13 of a notice outlining the same in the school calendar." 14 Back in 2011 and '12 and '13, just before Mr. 15 Romig was arrested, was this policy published on a 16 notice in the school calendar? 17 A. District calendar? 18 Q. It just says here "in the calendar." I don't 19 know what it's referring to. 20 A. I believe it was in our student handbook. 21 Q. Okay. 22 A. But students used that as a calendar. It was 23 their handbook and calendar. 24 Q. Okay. Now, that student handbook would not</p>

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<p style="text-align: right;">Page 133</p> <p>1 have been given to any of the coaches or assistant 2 coaches, correct?</p> <p>3 A. I'm thinking, because there was always extra 4 and I put them in the offices. Did I hand it to them 5 directly or did Dave? I'm not sure.</p> <p>6 Q. You testified earlier that you don't think 7 you -- you didn't know of any published harassment 8 policies or whatever that were given to Mr. Romig 9 during the time of his employment, correct?</p> <p>10 A. That is correct.</p> <p>11 Q. So, this --</p> <p>12 A. But this talks about the handbook -- or the 13 school calendar, I'm sorry.</p> <p>14 Q. So, who does the school calendar go to? It's 15 in the handbook?</p> <p>16 A. Yes.</p> <p>17 Q. But the coaches aren't on the distribution 18 list for the student handbook, correct?</p> <p>19 A. All faculty is given, and like I said, I 20 always have extra and I put them in the offices. So, 21 do I hand it to them directly? No.</p> <p>22 Q. Yes.</p> <p>23 A. No.</p> <p>24 Q. And you had no idea whether any coach or</p>	<p style="text-align: right;">Page 135</p> <p>1 provisions that you see in these policies, number 248 2 and 448, correct? It's just a general posting that 3 harassment of any form is unlawful?</p> <p>4 A. I believe so.</p> <p>5 Q. Okay. And it says that "The District shall 6 inform students, staff" -- and Mr. Romig was part of 7 the staff, right?</p> <p>8 A. I classify staff as the secretaries and the 9 clerks and those who are there on a daily basis.</p> <p>10 Q. Well, do you consider him or somebody in his 11 position as an assistant coach as an independent 12 contractor?</p> <p>13 MR. COX: Objection to the form. You 14 can answer.</p> <p>15 A. I don't know if that's the right term, 16 independent contractor, but he did sign an extra-duty 17 pay, so he was contracted for that time, yes.</p> <p>18 Q. Okay. It says, "The district shall 19 information students, staff, parents, independent 20 contractors and volunteers that unlawful harassment of 21 and by students will not be tolerated via the annual 22 distribution of this policy."</p> <p>23 Is what's being referred to there your annual 24 distribution of the policy to the faculty at the</p>
<p style="text-align: right;">Page 134</p> <p>1 assistant coach ever looked at them all all for any 2 reason.</p> <p>3 A. I don't have any clarification of that, no.</p> <p>4 Q. And you never directed any coach or assistant 5 coach to read the student handbook.</p> <p>6 A. I can't recall if we directed, but I know they 7 were available.</p> <p>8 Q. It says, Staff shall be informed of the policy 9 by posting of notices and signs in all district-owned 10 buildings or leased sites."</p> <p>11 What are the notices and signs that are being 12 referred to?</p> <p>13 A. They were hung right out of the main office, 14 right in the -- if you go in our high school, there is 15 an office with windows. They are posted there.</p> <p>16 Q. Is that the only place they are posted in 17 Pennridge High School?</p> <p>18 A. I believe at the other end of the building as 19 well they were posted. The entrances, two entrances.</p> <p>20 Q. Is it in some kind of --</p> <p>21 A. Frame.</p> <p>22 Q. -- frame, glass frame?</p> <p>23 A. Right on the window of the office itself.</p> <p>24 Q. And that posting did not contain all of the</p>	<p style="text-align: right;">Page 136</p> <p>1 beginning of the year?</p> <p>2 A. Yes.</p> <p>3 Q. And the annual distribution of the student 4 handbook to the students in the school?</p> <p>5 A. Yes.</p> <p>6 Q. But there was no annual distribution of 7 anything to the coaches or assistant coaches, correct?</p> <p>8 A. Again, I'm going to state that they were 9 available for them. Did they give them -- they don't 10 have a mailbox, so they were available to them in the 11 athletic office.</p> <p>12 Q. But there was no requirement that they ever 13 read them or study them or understand them, correct?</p> <p>14 A. No, they didn't sign off on them like the 15 faculty did.</p> <p>16 Q. Why is there a separate policy number for a 17 section called "pupils" and a section called 18 "professional employees"?</p> <p>19 A. Okay, I'm not sure where you're reading -- oh, 20 here.</p> <p>21 MR. COX: Which exhibit?</p> <p>22 MR. GROTH: It's the same exhibit, 23 Creeden exhibit four.</p> <p>24 BY MR. GROTH:</p>

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<p style="text-align: right;">Page 137</p> <p>1 Q. It's halfway back. Both policies are part of 2 one exhibit. 3 A. You're at where? 4 Q. If you look at 10548? 5 A. 48, okay. 6 Q. That's policy number 448. See the top? 7 A. Uh-huh. 8 Q. At one, in the front is policy number 248? 9 They're both dealing with unlawful harassment, but one 10 is for section "pupils" and the other section is 11 "professional employees." 12 Do you know why there's a separate category or 13 separate policy for those category's employees? 14 A. I do not. Looks like they're stated 15 differently. 16 Q. I see that the definition on sexual harassment 17 on both is somewhat different for pupils and for 18 professional employees. Is that your reading of it as 19 well? 20 A. Yes. 21 Q. The definition is different for both of them. 22 A. There might be other things in the document as 23 well. 24 Q. Okay. Now let's go back to David Heath. If you</p>	<p style="text-align: right;">Page 139</p> <p>1 investigation find that there were teachers and staff 2 people in the school who were concerned about Mr. 3 Heath's conduct with regard to the trainers, the 4 student trainers, who were working under him before her 5 parents came forward with these letters which discuss 6 their relationship? 7 MR. COX: Objection to the form. You 8 may answer. 9 A. I'm trying to recall. I know that one of the 10 other trainers or EMTs, Mrs. Gotschal, and there is 11 also Carol Miller that were part of that group that 12 helped Mr. Heath with the athletic training. 13 I'm sorry, can you restate your question? 14 Q. Yes. Were there any indications before Sarah 15 Webster's parents came forward with these letters from 16 Mr. Heath that there were some problems in the way that 17 Mr. Heath was behaving toward Ms. Webster and/or other 18 student trainers? 19 MR. COX: Objection to the form. You 20 can answer. 21 A. Not that I recall. 22 Q. Back at that time was there any prohibition 23 about school employees such as Mr. Heath driving 24 students to and from games in their own personal</p>
<p style="text-align: right;">Page 138</p> <p>1 look at page 22948 in Creeden exhibit two, dated 2 January 11, 2005, a letter from Robert Kish to David 3 Heath, this document in the second paragraph refers to 4 a harassment investigation report. Do you see that? 5 The second line. 6 A. Yes. 7 Q. Is that the report that follows next page, on 8 page 22949 through 22960? 9 A. That's what it looks like, yes. 10 Q. Who prepared that report? 11 A. The director of human resources, Shellie 12 Feola. 13 Q. You were involved in the investigation as 14 well? 15 A. Correct. 16 Q. And Dr. Kish was involved as well. 17 A. Correct. 18 Q. The facts of the allegations against him and 19 the findings of your investigation are actually pretty 20 much spelled out in that investigative report. Is that 21 correct? 22 A. Not getting a chance to read it, I would say 23 it was probably spelled out, yes. 24 Q. Were there any -- strike that. Did your</p>	<p style="text-align: right;">Page 140</p> <p>1 vehicles or in school vehicles? 2 A. I know there was -- I'm not sure of the date, 3 but I know that there was something in writing about 4 transporting students in your own vehicle. 5 Q. Something against doing that, correct? 6 A. Yes. 7 Q. During the course of your investigation did 8 you ever determine that there were teachers or other 9 staff members at the school who actually knew that Mr. 10 Heath was actually doing that and that it was not 11 proper? 12 MR. COX: Objection to the form. You 13 can answer. 14 A. Not that was brought to my attention. I'm 15 trying to recall it, but not that I recall. 16 MR. GROTH: I'm going to mark as 17 Creeden exhibit six some newspaper media reports 18 regarding Mr. Heath's criminal charges against 19 him. 20 (Exhibit Creeden-6 was marked for 21 identification) 22 BY MR. GROTH: 23 Q. I'm going to ask you to go to the third 24 article in. It has a heading from the Inquirer staff</p>

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<p>1 writer Larry King "Pennridge teacher convicted of 2 sexual relations with teen," third article in. 3 A. Okay. 4 Q. Okay? Did you go to the trial? 5 A. I can't recall if I was there. 6 Q. If you look about two-thirds of the way down 7 the first page of that article, it says "At the time 8 she," meaning the girl, "was involved with sports and 9 was learning to be an athletic trainer. Teachers 10 testified of warning Heath not to have a student alone 11 in his car, but he took no heed." 12 Do you recall determining that to be a factor 13 in your investigation? 14 A. I would have to look at the investigation 15 document. 16 Q. Go ahead, take a look at it. 17 MR. COX: What's the Bates-stamp, Dave? 18 MR. GROTH: 22949. 19 BY MR. GROTH: 20 Q. Why don't you go to page 22955? Down at the 21 bottom. 22 A. Will you restate the question? 23 Q. Yes. Did it come to your attention before Ms. 24 Webster's parents brought her in with the letters from</p>	<p>1 MR. GROTH: That's not the right page, 2 page seven and eight. Here, bottom of page seven, 3 top of page eight. 4 THE WITNESS: So, your question is 5 asking was he informed by -- 6 MR. COX: Why don't you repeat the 7 question? 8 THE WITNESS: Yes. 9 MR. GROTH: Okay. 10 BY MR. GROTH: 11 Q. The question is, do you recall getting 12 information about other teachers or staff members at 13 Pennridge knowing of and reporting Mr. Heath being 14 alone in his car or a school district car with female 15 trainers? 16 MR. COX: Prior to the Webster 17 allegation -- 18 Q. Yes, prior to the time Sarah Webster's parents 19 came in and reported a situation to you. 20 A. I do not recall that. 21 Q. You don't recall it coming to your attention 22 before. 23 A. Come to my attention before. 24 Q. Okay. Now, were the policies and practices in</p>
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<p>1 Mr. Heath that Ms. Webster had been alone in a vehicle, 2 either a school vehicle or a personal vehicle, of Mr. 3 Heath's going to and from athletic events? 4 A. I believe I was aware. 5 Q. Did you read this report before it was sent 6 out to Dr. Kish? 7 A. (No response) 8 Q. Actually, it went sent out to Dr. Kish. He 9 was part of the investigation. 10 A. Trying to recall back in 2004, I probably read 11 the report. But do I recall it word-for-word? No, I 12 do not. 13 Q. Reading the bottom of page seven and the top 14 paragraph of page eight doesn't refresh your 15 recollection about that issue? 16 A. Five and seven? 17 Q. The bottom of page seven and the top of page 18 eight of this document. 19 THE WITNESS: Am I looking at the right 20 thing? 21 MR. COX: Yes. Give me a second to read 22 it. I may not be following your question, but I 23 don't see anything in there about transportation, 24 being alone in a car.</p>	<p>1 effect at that time, isn't it correct that the 2 teachers, if they had seen this conduct that violated 3 school policy, they should have reported it to you? 4 A. Yes. 5 Q. And the Chris Seider here who is reported to 6 be the person who gave the investigators this 7 information, he's the same Chris Seider who was removed 8 as the track coach because of some complaints of the 9 female athletes about how he observed them. 10 A. That's correct. 11 Q. And if you look at the bottom of page seven, 12 it says "Among those interviewed were Mr. Chris Seider, 13 physical education teacher at the high school. Mr. 14 Seider stated that another teacher had come to him, 15 informed him that Mr. Heath had been observed alone in 16 his car with student trainers. Mr. Seider reminded Mr. 17 Heath that he should avoid being alone with student 18 trainers, all of whom are presently female." 19 A. Okay. 20 Q. Now, isn't it true that under the policies 21 that were in existence at that time, the teacher who 22 informed Mr. Seider of Mr. Heath transporting these 23 female trainers, as well as Mr. Seider, should have 24 both reported to you that he was engaging in conduct</p>

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<p style="text-align: right;">Page 145</p> <p>1 which was against the policy of the high school?</p> <p>2 MR. COX: Objection to the form. You</p> <p>3 can answer.</p> <p>4 A. They should have.</p> <p>5 Q. But they didn't.</p> <p>6 A. Not that I'm aware of; not to me.</p> <p>7 Q. Do you recall ever asking Mr. Seider or this</p> <p>8 teacher that's implicated here why they had never</p> <p>9 informed you of that information?</p> <p>10 A. I don't recall that, no.</p> <p>11 Q. Do you remember there being any backlash at</p> <p>12 Pennridge against Sarah Webster for reporting this</p> <p>13 information to school administration?</p> <p>14 A. Yes.</p> <p>15 Q. Was there any backlash with regard to the</p> <p>16 faculty? In other words, complaints that she made that</p> <p>17 the faculty was treating her badly after this became</p> <p>18 public knowledge.</p> <p>19 A. Not that I recall.</p> <p>20 Q. Was there was information that students, other</p> <p>21 students, in the school were treating her badly?</p> <p>22 A. There was information that was reported to the</p> <p>23 assistant principal, yes.</p> <p>24 Q. Who was the assistant principal?</p>	<p style="text-align: right;">Page 147</p> <p>1 the students that he found, but some things were not</p> <p>2 told to us totally.</p> <p>3 Q. Did you receive information that her car had</p> <p>4 been vandalized?</p> <p>5 A. I'm not sure about that one.</p> <p>6 Q. Did you receive any information about her</p> <p>7 property had been stolen since she returned to school</p> <p>8 in the fall after these initial allegations became</p> <p>9 public?</p> <p>10 A. I don't recall that. I would have to ask Mr.</p> <p>11 Ott if that was reported to him directly.</p> <p>12 Q. Did you ever receive any information that</p> <p>13 vandals had tossed eggs at her house six times?</p> <p>14 A. To me personally? No.</p> <p>15 Q. Did you receive any information that students</p> <p>16 had decorated her locker with Heath candy bar wrappers?</p> <p>17 A. I didn't hear about that, no. That's one of</p> <p>18 the things we investigated.</p> <p>19 Q. What did you do to try to, if anything,</p> <p>20 protect Ms. Webster from this type of behavior by</p> <p>21 students or people who worked in the school?</p> <p>22 A. Well, with the students, I talked to different</p> <p>23 athletic teams, myself or Mr. Ott; and told them if you</p> <p>24 were involved in any of these allegations, that you</p>
<p style="text-align: right;">Page 146</p> <p>1 A. Ray Ott.</p> <p>2 Q. And what information was reported to him?</p> <p>3 A. That there were T-shirts and some signs with</p> <p>4 Heath's name on it around the school.</p> <p>5 Q. Signs?</p> <p>6 A. Like little signs, stick them on locker, like</p> <p>7 stick-em notes.</p> <p>8 Q. What did the sign say?</p> <p>9 A. Just Heath on it.</p> <p>10 Q. Prior to these allegations against Mr. Heath,</p> <p>11 would you say that he was a popular staff member?</p> <p>12 A. I would say yes.</p> <p>13 Q. Did the girls stay in school? Did Sarah</p> <p>14 Webster stay in school after this allegation?</p> <p>15 A. Yes, she did.</p> <p>16 Q. Did she have any vandalism to her property</p> <p>17 while she was on school grounds?</p> <p>18 A. "Her property" meaning what?</p> <p>19 Q. Any of her property: Any of her personal</p> <p>20 property, her locker, if she had a vehicle, any type of</p> <p>21 vandalism at all.</p> <p>22 A. There were things stuck on her locker, that I</p> <p>23 recall. That wasn't one of the things. And then we</p> <p>24 investigated or Ray Ott investigated and disciplined</p>	<p style="text-align: right;">Page 148</p> <p>1 were going to be disciplined and/or suspended or</p> <p>2 whatever we had enough on to even, you know, remove</p> <p>3 them.</p> <p>4 I remember talking to certain teams, sports</p> <p>5 teams. Staff? Trying to remember after this one. I</p> <p>6 know there was a staff meeting after that, but I'm</p> <p>7 trying to remember if it was immediately after that or</p> <p>8 as part of the regular staff meeting.</p> <p>9 So, I'm not sure if it was right away, but I</p> <p>10 know we talked about it with the staff, especially her</p> <p>11 teachers, to keep an eye on her as she traveled from</p> <p>12 class to class or, you know, in class, if there were</p> <p>13 comments made.</p> <p>14 So, I know we -- I know I personally talked to</p> <p>15 several sports teams who were active at that time.</p> <p>16 Q. The people who were found to be doing this</p> <p>17 candy bar attachment to the locker and these sticker</p> <p>18 signs and whatever, were those athletes, male athletes?</p> <p>19 A. Off the top of my head I don't remember, but I</p> <p>20 don't think it was all male.</p> <p>21 Q. Was there also an allegation or finding that</p> <p>22 he had engaged -- Mr. Heath had engaged in excessive or</p> <p>23 numerous phone calls to Ms. Webster?</p> <p>24 A. Yes, I believe there was.</p>

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<p>1 Q. Do you recall there being testimony in the 2 case or a finding in your investigation that on of the 3 telephone calls actually happened on his wedding night? 4 A. Yes, I do remember that. 5 Q. His wife, did she teacher at Pennridge? 6 A. She did not. 7 Q. Do you know what her name is? 8 A. I do not. 9 Q. Her first name, I mean. 10 A. I do not. 11 Q. Did the teachers, any of the teachers or 12 faculty at the school, do anything in support of Mr. 13 Heath during the time when he is charged and up through 14 the time of trial, anything if support of him: Have a 15 rally, collect money for his defense, anything of that 16 nature? 17 A. Not that I recall. 18 Q. Would it be fair to say that there were people 19 at the school -- faculty persons and students -- who 20 did not believe Ms. Webster's allegations? 21 MR. COX: Objection to the form. 22 Q. That came to your attention; I mean, where you 23 heard that people were not believing what she was 24 saying that he was doing?</p>	<p>1 A. I don't believe so. 2 MR. GROTH: Let's go off the record. 3 THE VIDEOGRAPHER: The time is now 3:16 4 p.m. We're going off the record. 5 (A brief recess was taken) 6 THE VIDEOGRAPHER: The time is now 3:31 7 p.m. This begins DVD number four in the deposition 8 of Thomas as Creeden. We are back on the record. 9 BY MR. GROTH: 10 Q. Mr. Creeden, after Mr. Heath was found guilty 11 and sentenced, do you know whether or not he ever went 12 back to teaching? 13 A. Not that I know of. 14 Q. Did Pennridge take steps to terminate him? 15 A. Yes. 16 Q. Did Pennridge take steps or did the PDE take 17 steps to pull his teaching certification? 18 A. I don't know that directly, but I'm pretty 19 sure Ms. Feola followed through with that. 20 Q. Now, if I recall correctly, when Ms. Webster's 21 parents brought these letters in, they were brought to 22 you? 23 A. I don't recall. I'm trying to remember. I 24 don't know if they got to me or they were taken over to</p>
<p style="text-align: center;">Page 150</p> <p>1 MR. COX: Objection to the form. You 2 may answer. 3 A. I don't recall that. 4 Q. Okay. You did testify at his trial? 5 A. I don't believe I did. 6 Q. You testified at Mr. Ludlow's trial. 7 A. Yes. 8 Q. Did you sit through Mr. Heath's trial? 9 A. I think you asked me that before. I don't 10 believe I was there. 11 Q. Do you know whether or not Mr. Heath 12 maintained his innocence of these charges all the way 13 up through the end of the trial? 14 A. Again, not being there, I don't know what he 15 said in the trial. 16 Q. Okay. You know he went to trial and he was 17 convicted of a number of counts, correct? 18 A. I remember. 19 Q. And do you know whether or not at his 20 sentencing Mr. Heath actually admitted to having 21 engaged in this sexual physical contact with Ms. 22 Webster? 23 A. I do not know that. 24 Q. Did you go to the sentencing?</p>	<p style="text-align: center;">Page 152</p> <p>1 HR directly because Ms. Feola was conducting the 2 investigation. 3 Q. How soon after that occurred was a decision 4 made to report this behavior to the public authorities? 5 A. Immediately. 6 Q. There was no investigation conducted by 7 Pennridge personnel prior to notifying the police? 8 A. Not that I recall. 9 Q. And the sexual contacts that occurred with 10 regard to this particular situation was some type of 11 fondling and groping and whatever in the training room, 12 in Mr. Heath's personal car, and in a school district 13 vehicle? 14 MR. COX: Objection to the form. You 15 may answer. 16 Q. You can answer. 17 A. As far as I recall -- I don't remember all the 18 allegations, if that was all of them or if that was 19 some of them and not all of them, if that makes sense. 20 Q. All right. Do you remember any of them? What 21 did she allege that he did that was sexually harassing 22 or abusive? 23 A. Inappropriate touching I do remember, because 24 it was the fondling -- I think that's something I do</p>

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<p style="text-align: right;">Page 153</p> <p>1 remember, but I don't remember every one specifically. 2 Q. Okay. Let's talk about Mark Hart. If you go 3 to, on exhibit two, if you go to page 22964, near the 4 very end. 22964. 5 A. All right. 6 Q. This is a letter from assistant counsel Shane 7 Crosby to the Secretary of Board of School Directors, 8 Pennridge School District, dated December 2, 2010, 9 indicating that Mr. Hart surrendered his Pennsylvania 10 teaching certificate in lieu of discipline. 11 What were the allegations against him that led 12 up to his surrender of his teaching certification? 13 A. Inappropriate contact with a female student. 14 Q. Who was that student? 15 A. I don't recall her name. 16 Q. At the time that the allegation was made, was 17 the female student that made the allegation still a 18 student at Pennridge or had she already graduated? 19 A. Already graduated. 20 Q. And is the name of that student Laura 21 Interrante? 22 A. I believe so, yes. 23 Q. What were the allegations? 24 A. That Mr. Hart had inappropriate relationships</p>	<p style="text-align: right;">Page 155</p> <p>1 second page from the back, there are a series of 2 messages between Laura Interrante and a person named 3 Maureen Heath Kosa. Who is Maureen Heath Kosa? 4 A. She was an English teacher at the high school. 5 Q. Is she related in some way to David Heath? 6 A. Oh, no. 7 Q. Did anybody at Pennridge do an investigation 8 of these allegations by a former student? 9 A. Not that I recall. 10 Q. Would it be fair to stay that that was left up 11 to the police authorities? 12 A. That would be fair to say. 13 Q. Prior to the police informing you of their 14 investigation, had you received any complaints or 15 allegations at all with regard to Mr. Hart? 16 A. No. 17 Q. After being informed of the investigation by 18 the police, did anybody come forward to say that there 19 were other incidents of inappropriate conduct by Mr. 20 Hart while he was employed at Pennridge? 21 A. No. 22 Q. Did you talk to Mr. Hart about those 23 allegations? 24 A. The allegations with --</p>
<p style="text-align: right;">Page 154</p> <p>1 with that student. 2 Q. While she was a student. 3 A. While she was a student. 4 Q. All right. How did that come to your 5 attention? 6 A. I was asked to come up to Dr. Kish's office, 7 and a police officer was there and informed us. 8 Q. So, she went first to the police, who came to 9 Pennridge afterward. 10 A. Correct. 11 Q. Did you say she was there with the police 12 officer? 13 A. I don't recall if she was there. I thought it 14 was just the police officer initially. 15 MR. GROTH: I'm going to mark as 16 Creeden exhibit seven some documents provided to 17 me by Pennridge's counsel that consist of Bates 18 numbers 933710482, 10483 and 10484 and 10485. 19 (Exhibit Creeden-7 was marked for 20 identification) 21 BY MR. GROTH: 22 Q. These are some documents that were produced by 23 your counsel with regard to the Mark Hart situation. 24 On page 010484, third page from the back --</p>	<p style="text-align: right;">Page 156</p> <p>1 Q. The allegations that he had been involved in 2 an improper sexually abusive, exploitative relationship 3 with one of his students while she was still at the 4 school. 5 MR. COX: Objection to the form. You 6 may answer. 7 A. I did not have a one-on-one conversation with 8 him. 9 Q. Was it... 10 A. No. 11 Q. ...no conversation at all? 12 A. No conversation. I gave a letter to him from 13 Dr. Kish and he was sent on his way. That's all I 14 recall. 15 Q. Is that letter that you're referring to page 16 10482 in Creeden -- 17 MR. COX: Exhibit seven? 18 Q. -- in Creeden exhibit seven? It's the second 19 page. 20 A. It's here. 21 Q. Is that the letter to which you were 22 referring? 23 A. Yes. 24 Q. And after that letter was provided to Mr.</p>

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<p>1 Hart, did you have any further contact with him at all?</p> <p>2 A. I did not. He did not come back to the</p> <p>3 school.</p> <p>4 Q. Did Pennridge do anything to determine whether</p> <p>5 or not -- do itself to determine whether or not Mr.</p> <p>6 Hart had had any inappropriate relationship with any of</p> <p>7 the female students at Pennridge after the Interrante</p> <p>8 situation was reported to Pennridge?</p> <p>9 A. Nothing was reported to us that he had</p> <p>10 relations with other students.</p> <p>11 Q. Did you know Laura Interrante while she was a</p> <p>12 student?</p> <p>13 A. All I can say is I know the name, and I would</p> <p>14 have to recall how -- she was involved in student</p> <p>15 council, I believe, but that's how I think I knew her,</p> <p>16 through student council.</p> <p>17 Q. Were any criminal charges brought against Mr.</p> <p>18 Hart?</p> <p>19 A. I really don't know.</p> <p>20 Q. Do you know if his -- I'm sorry, strike that.</p> <p>21 Did Mr. Hart voluntarily surrender his teaching</p> <p>22 certification?</p> <p>23 A. Immediately?</p> <p>24 Q. At any time.</p>	<p>1 Creeden exhibit number eight a number of pages,</p> <p>2 although not the whole document, from the</p> <p>3 2013/2014 student handbook for Pennridge High</p> <p>4 School.</p> <p>5 Take a look at that for a second. I</p> <p>6 have included the first seven pages of that</p> <p>7 handbook, which includes the unlawful harassment</p> <p>8 policy, which includes a sexual harassment policy.</p> <p>9 Those are found on pages five and six.</p> <p>10 THE WITNESS: Correct.</p> <p>11 MR. GROTH: All right.</p> <p>12 (Exhibit Creeden-8 was marked for</p> <p>13 identification)</p> <p>14 BY MR. GROTH:</p> <p>15 Q. Would it be correct to say that this is the</p> <p>16 harassment policy that was in effect at Pennridge High</p> <p>17 School as of 2012/2013?</p> <p>18 A. That's the same one that we looked at before.</p> <p>19 MR. COX: Wait. So, Creeden-8 is the</p> <p>20 '13/'14 student handbook, Mr. Groth. Are you</p> <p>21 asking if it was also in effect the prior year?</p> <p>22 You said '12/'13.</p> <p>23 MR. GROTH: I'm sorry. I meant</p> <p>24 '13/'14. Let me restate that.</p>
<p style="text-align: center;">Page 158</p> <p>1 A. I think eventually he did, yes.</p> <p>2 Q. Did the authorities ever discuss with anybody</p> <p>3 at Pennridge, to your knowledge, you or anybody else in</p> <p>4 Pennridge's administration, whether or not any criminal</p> <p>5 charges should be brought against Mr. Hart?</p> <p>6 A. I don't recall that.</p> <p>7 Q. Do you have any understanding or recollection</p> <p>8 of how long the sexual relationship between Ms.</p> <p>9 Interrante and Mr. Hart lasted before she graduated?</p> <p>10 A. I don't recall.</p> <p>11 Q. If you look at page 9337, the first page?</p> <p>12 A. Yes.</p> <p>13 Q. Second-to-last paragraph?</p> <p>14 A. Okay.</p> <p>15 Q. "I like that this one went for so long. It's</p> <p>16 about been almost seven months." She's writing this to</p> <p>17 Mr. Hart on December 1st, 2008. She says "not counting</p> <p>18 the six months before anything really started."</p> <p>19 Did you become aware during your investigation</p> <p>20 that her sexual involvement with Mr. Hart had lasted</p> <p>21 for a number of months while she was a student at</p> <p>22 Pennridge?</p> <p>23 A. I do not recall that.</p> <p>24 MR. GROTH: I'm going to mark as</p>	<p style="text-align: center;">Page 160</p> <p>1 BY MR. GROTH:</p> <p>2 Q. Is this the harassment policy, including</p> <p>3 sexual harassment policy, that was in effect at</p> <p>4 Pennridge High School during the school year 2013/14?</p> <p>5 A. I believe it was.</p> <p>6 MR. GROTH: I don't know if I need to</p> <p>7 mark this or not, but I also have in front of me a</p> <p>8 handbook for professional employees revised in</p> <p>9 2004.</p> <p>10 BY MR. GROTH:</p> <p>11 Q. Is this a handbook just for professional</p> <p>12 employees?</p> <p>13 A. That's the one -- that would be a late</p> <p>14 revision. It gets revised just about every year.</p> <p>15 Q. So, there should be one for 2012 to 2013?</p> <p>16 A. Should be.</p> <p>17 Q. Okay. Is this handed out to all the</p> <p>18 professional employees every year? I mean an actual</p> <p>19 copy of it.</p> <p>20 A. Yes, and they are to keep it and they sign off</p> <p>21 on it, at least at the high school.</p> <p>22 Q. And who are considered professional employees?</p> <p>23 A. Well, the teachers -- I'm trying to recall if</p> <p>24 the teacher aides got this, got a copy as well, but I</p>

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<p>1 can't recall right now if they got it as well. I think 2 it's just the teachers, but I would have to think about 3 that a little bit.</p> <p>4 Q. This would not apply to somebody like Mr. 5 Romig, an assistant coach?</p> <p>6 A. It would not.</p> <p>7 Q. I'm going to mark as Creeden exhibit ten three 8 documents: One is a blank form, and the next two have 9 Elizabeth Nace's name and signature and her mother's 10 signature as well. One is dated 9/4/12; the other is 11 dated 9/3/13.</p> <p>12 (Exhibit Creeden-10 was marked for 13 identification)</p> <p>14 BY MR. GROTH:</p> <p>15 Q. Are these the acknowledgment letters that are 16 signed by the student and parent, affirming that they 17 got a copy of that year's student handbook?</p> <p>18 A. Yes.</p> <p>19 Q. And this is the type of document I asked you 20 about before with regard to coaches and assistant 21 coaches.</p> <p>22 Is it correct to say that this type of 23 document is never given to a coach or an assistant 24 coach to sign as an acknowledgement that they received</p>	<p>1 Q. I have a document here that says Pennridge 2 School District Administrative Guidelines, Bates 3 numbers one through four. They are given a number 4 248A. Does that A stand for administrative guideline?</p> <p>5 A. I believe so, yes.</p> <p>6 MR. GROTH: I'm going to mark that as 7 Creeden exhibit eleven. That is a four-page 8 document that talks about reporting harassment, 9 investigation of harassment.</p> <p>10 (Exhibit Creeden-11 was marked for 11 identification)</p> <p>12 BY MR. GROTH:</p> <p>13 Q. Who is that prepared for -- I'm sorry. Who is 14 that prepared by, an administrative guideline?</p> <p>15 A. That is prepared by human resources.</p> <p>16 Q. And is that updated on a yearly basis?</p> <p>17 A. I don't know if it's yearly. I don't recall.</p> <p>18 Q. On page two of that document it states in the 19 center, "An investigative file with the following 20 information should be maintained." Do you see where 21 I'm reading? Right above one?</p> <p>22 A. Oh, okay.</p> <p>23 Q. Is there somewhere in Pennridge's records, at 24 a central location, where all investigative files with</p>
<p style="text-align: center;">Page 162</p> <p>1 any paperwork on Pennridge's policies and procedures, 2 and especially with regard to harassment or sexual 3 harassment?</p> <p>4 MR. COX: Objection to the form. You 5 can answer.</p> <p>6 A. Coaches didn't get a form like this, no.</p> <p>7 Q. Okay. We looked at one of the exhibits for 8 unlawful harassment, policy number 248. Do you have 9 the exhibit there?</p> <p>10 A. This one here?</p> <p>11 Q. No.</p> <p>12 A. Oh, okay.</p> <p>13 MR. COX: Which exhibit?</p> <p>14 MR. GROTH: It was 248 --</p> <p>15 MR. KEMETHER: Two of them.</p> <p>16 MR. GROTH: 248 and 448 are in exhibit 17 four.</p> <p>18 MR. KEMETHER: There were two 248s 19 marked.</p> <p>20 THE WITNESS: These are different 21 dates.</p> <p>22 MR. COX: Exhibit four and exhibit 23 five.</p> <p>24 BY MR. GROTH:</p>	<p style="text-align: center;">Page 164</p> <p>1 regard to unlawful harassment are maintained?</p> <p>2 In other words, not in somebody's -- not in a 3 teacher's or coach's personnel file or whatever, but is 4 there a separate filing just for all unlawful 5 harassment claims?</p> <p>6 A. I don't know that answer. I know they are 7 given to HR. I don't know if they keep a file just 8 separated.</p> <p>9 Q. Who would know that, the HR director?</p> <p>10 A. That would be my guess.</p> <p>11 Q. Okay. And this guideline refers not only to 12 sexual harassment, but also to any type of harassment 13 based on race, religion, gender, sexual orientation, 14 all that stuff, correct?</p> <p>15 A. Correct.</p> <p>16 Q. As stated in the first paragraph?</p> <p>17 A. Yes.</p> <p>18 Q. Do you know if there is any separate file or 19 the maintaining of any separate file just including 20 claims of sexual harassment?</p> <p>21 A. A separate file?</p> <p>22 Q. Yes, as a subsection of harassment files.</p> <p>23 A. I don't know that.</p> <p>24 Q. That would be the HR director?</p>

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<p style="text-align: right;">Page 165</p> <p>1 A. HR again. 2 MR. GROTH: I'm looking at Creeden 3 exhibit twelve, which is just a couple of pages 4 lifted out of something I think we've already 5 looked at. It's Bates numbers 10634 and 10635. 6 (Exhibit Creeden-12 was marked for 7 identification)</p> <p>8 BY MR. GROTH: 9 Q. I would like to refer you to the first page, 10 about three-quarters of the way down. There is a short 11 paragraph, one sentence, that says "The District also 12 shall provide in-service training for employees 13 concerning all aspects of unlawful harassment." 14 Do you see where I'm reading? 15 A. Yes. 16 Q. Again, we covered this I think before, but let 17 me ask you: Did Mr. Romig ever receive, to your 18 knowledge, in-service training concerning all aspects 19 of unlawful harassment while he was employed at 20 Pennridge? 21 A. Not that I'm aware of. 22 Q. Do any coaches or assistant coaches, or have 23 they in the past ever received any in-service training 24 concerning all aspects of unlawful harassment?</p>	<p style="text-align: right;">Page 167</p> <p>1 Q. HR. And do you recall whether it was in the 2 early 2000s, late 1990s, late 2010? 3 A. I'm not sure. It was about mid 2000s. 4 Q. Only done once? 5 A. No, I think it was during the time Ms. Feola 6 was there. 7 Q. Not since Mr. Scarpantonio? 8 A. I don't believe he followed through on that. 9 Q. Okay. Do you know whether or not in any of 10 the sexual harassment policies that we have in front of 11 us or that you know of, even if we don't have it in 12 front of us, there was ever any reference in the policy 13 or stated position with regard to inappropriate sexual 14 texting or sexting? 15 A. Any unlawful harassment policy? 16 Q. Yes, under any unlawful harassment policy, 17 including the sexual harassment provisions. 18 I think I had ask you before if there was a 19 policy on texting or sexting and you said no, and I 20 want to know whether or not you knew whether or not any 21 such policy existed in the written policies on unlawful 22 harassment and sexual harassment. 23 MR. COX: Objection to the form. You 24 can answer.</p>
<p style="text-align: right;">Page 166</p> <p>1 A. I'm thinking about that because I know there 2 was some training done, but I couldn't recall what year 3 that was done. 4 Q. There was some training of who? 5 A. The coaches. 6 Q. Not the assistant coaches. 7 A. All coaches, I'm sorry. All coaches. 8 Q. On what topic? 9 A. Harassment. 10 Q. You believe there was some training done. 11 A. Yes. 12 Q. By whom and when? 13 A. It was -- I'm not sure of when, but I know -- 14 I'm not going to say who because -- it was from HR. 15 What year? I can't recall what year. 16 I just remember it being in the -- they call 17 them the round rooms. There is a big auditorium, a 18 smaller auditorium than the big one, and it was held 19 there. 20 Q. For whom? 21 A. For all coaches. 22 Q. And who was involved in it? Who ran it? Who 23 taught it? 24 A. HR did it.</p>	<p style="text-align: right;">Page 168</p> <p>1 A. I can't recall. 2 Q. Do you know if one exists now? 3 A. I don't know. 4 MR. GROTH: I'm going to mark as 5 Creeden-13 documents provided by your counsel with 6 Bates numbers 17317 through 17320. 7 (Exhibit Creeden-13 was marked for 8 identification)</p> <p>9 BY MR. GROTH: 10 Q. I'm going to ask you first, do you know who 11 prepared this document? 12 A. With there not being a signature, I don't 13 know. 14 Q. Again, Mr. Ludlow was a social studies 15 teacher? 16 A. Yes. 17 Q. Did he do any other coaching or phys-ed or 18 anything like that teaching? 19 A. No. 20 Q. It's marked page number one. It's actually 21 the second page of that exhibit. It states in the 22 second paragraph "On January 11, 2000 two additional 23 female students from another of Mr. Ludlow's classes 24 attempts to see their counselor regarding inappropriate</p>

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<p style="text-align: right;">Page 169</p> <p>1 behavior on the part of Mr. Ludlow. The first met with 2 assistant principal Joann Rubin, who then contacted Mr. 3 Creeden, who initiated the investigation which is now 4 underway."</p> <p>5 I think before we talked about one additional 6 girl coming forward in January with allegations about 7 Mr. Ludlow? Is that correct?</p> <p>8 A. I don't remember.</p> <p>9 Q. Is that correct?</p> <p>10 A. Yes.</p> <p>11 Q. Does this refresh your recollection that there 12 were two girls in October, as stated in the first 13 paragraph of that page, and two different girls in 14 January that made allegations against him?</p> <p>15 A. I only remember one girl making allegations, 16 and I think the other girl was a friend to walk her 17 down to the office.</p> <p>18 Q. Okay.</p> <p>19 MR. GROTH: I'm going to mark as 20 exhibit fourteen a document with Bates numbers 21 17327 through 17331. It's entitled "Notice to 22 individuals complaining of unlawful harassment."</p> <p>23 There is a second document in the same 24 exhibit starting at 17329 from Charles Weber to</p>	<p style="text-align: right;">Page 171</p> <p>1 District Attorney's Office almost since you started as 2 principal of Pennridge back in 1999 or 2000, correct?</p> <p>3 MR. COX: Objection to the form. You 4 can answer.</p> <p>5 A. Yes.</p> <p>6 Q. And you had contact with and worked with a 7 number of their assistant district attorneys over the 8 years?</p> <p>9 A. I recall being in contact with district 10 attorneys. I don't know if there's a number of them.</p> <p>11 Q. Do you remember being in contact with Jennifer 12 Shorn with regard to the Romig situation?</p> <p>13 A. I remember her name.</p> <p>14 Q. Okay.</p> <p>15 A. I don't know if I was in direct contact with 16 her.</p> <p>17 Q. How would you characterize the relationship 18 between the administration at Pennridge High School and 19 the DA's office with regard to the investigations that 20 were conducted by the Bucks County DA's office of some 21 of the teachers that we talked about today?</p> <p>22 MR. COX: Objection to the form. You 23 may answer.</p> <p>24 A. How would I -- I'm sorry, rephrase that.</p>
<p style="text-align: right;">Page 170</p> <p>1 Robin Landis dated February 27, 2003. 2 (Exhibit Creeden-14 was marked for 3 identification)</p> <p>4 BY MR. GROTH:</p> <p>5 Q. Who is Robin Landis?</p> <p>6 A. I can't recall.</p> <p>7 Q. Do you recall her being an assistant softball 8 coach?</p> <p>9 A. I don't.</p> <p>10 Q. Do you know who Charles Weber is?</p> <p>11 A. Yes: He was district personnel. Eventually 12 he headed up HR there for a period of time.</p> <p>13 Q. Paragraph two says "The District will 14 investigate the allegations of improper conduct that 15 you have brought to its attention. The investigation 16 will be conducted by the Title 9 coordinator, Charles 17 Weber."</p> <p>18 What investigation of allegations is being 19 referred to here?</p> <p>20 A. I don't recall.</p> <p>21 Q. Do you know against whom the allegations of 22 improper conduct were being brought?</p> <p>23 A. I do not.</p> <p>24 Q. You've had dealings with the Bucks County</p>	<p style="text-align: right;">Page 172</p> <p>1 Q. How would you characterize the relationship 2 between the administration of Pennridge High School and 3 the representatives of the DA's office who investigated 4 some of the teachers that we talked about today?</p> <p>5 MR. COX: Same objection. You may 6 answer.</p> <p>7 A. Cooperative.</p> <p>8 Q. Going back to the hiring of Mr. Romig one last 9 time, did you know or were you aware that Mr. Romig had 10 coached at Faith Christian Academy before he was hired 11 as a coach at Pennridge?</p> <p>12 A. I believe it came up with that conversation at 13 the softball field with Mr. Babb.</p> <p>14 Q. Okay. That was after he was already hired.</p> <p>15 A. Correct.</p> <p>16 Q. Did you know before he was hired that he had 17 been a coach at FCA?</p> <p>18 A. No.</p> <p>19 Q. Do you have any understanding of the term 20 "at-will employee"?</p> <p>21 MR. COX: Objection to the form. You 22 can answer.</p> <p>23 A. I do not.</p> <p>24 Q. In Pennridge's answer to plaintiff's</p>

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<p>1 complaint, paragraph sixty-nine, it is stated that "It 2 is admitted that Babb was acting in his capacity at 3 athletic director at Pennridge High School at the time 4 Romig was hired as the girls softball coach. It is 5 denied that Romig was a contracted employee as that 6 term is understood pursuant to the Pennsylvania school 7 code. Romig was an employee-at-will."</p> <p>8 Do you have any understanding of what the term 9 "contracted employee" means pursuant to the 10 Pennsylvania School Code?</p> <p>11 MR. COX: Objection. You may answer.</p> <p>12 A. I do not.</p> <p>13 Q. Do you have any understanding of what is meant 14 when it states here in this answer in paragraph 15 sixty-nine "Romig was an employee-at-will"?</p> <p>16 MR. COX: Objection. You can answer.</p> <p>17 A. I do not.</p> <p>18 Q. In the complaint, in paragraph sixty-three, it 19 states, "The victim in 2004" referring to Sarah 20 Webster -- it's not referred to by name here, but it's 21 referred to the Heath situation -- "was relentlessly 22 harassed by students that attended Defendant Pennridge, 23 including vandalism to her care, stealing her property, 24 throwing eggs at her residence, vandalism of her locker</p>	<p>1 there."</p> <p>2 And then it says further, "Even after 3 receiving information that Defendant Romig had been 4 dismissed for cause from Defendant Faith Christian, 5 Defendant Pennridge failed to contact anybody at 6 Defendant Faith Christian and request further 7 information." The answer to that paragraph by 8 Pennridge is "Denied."</p> <p>9 My question to you is, do you know whether or 10 not anybody from Pennridge ever contacted Faith 11 Christian before hiring Defendant Romig to inquire 12 about his employment history or conduct while he was 13 employed there?</p> <p>14 A. I don't recall.</p> <p>15 MR. GROTH: I think I have no other 16 questions. Thank you.</p> <p>17 MR. SANTARONE: I don't have any 18 questions.</p> <p>19 MR. KEMETHER: I don't have any 20 questions.</p> <p>21 MS. CONNOR: No questions.</p> <p>22 MR. COX: I just have a couple of brief 23 questions, Mr. Creeden. Was the last exhibit 24 fourteen?</p>
<p>1 and students wearing T-shirts to the school that stated 2 they wanted the teacher freed." And in the answer to 3 that by Pennridge is has "Denied."</p> <p>4 Were you aware back in 2004 that at least some 5 of that harassment was taking place with regard to 6 Sarah Webster?</p> <p>7 MR. COX: Objection to the form. You 8 can answer.</p> <p>9 A. It's my understanding, once it was reported, 10 it was investigated.</p> <p>11 Q. What was reported?</p> <p>12 A. Any type of harassment.</p> <p>13 Q. Including some of the things that were 14 mentioned that I just read to you?</p> <p>15 MR. COX: Objection to the form. You 16 can answer.</p> <p>17 A. Not specific to those, but it was my 18 understanding that the assistant principal investigated 19 those when they were brought to his attention.</p> <p>20 Q. Paragraph eighty-four of the complaints 21 states, in part, "No one from defendant Pennridge ever 22 contacted Defendant Faith Christian before hiring 23 Defendant Romig to inquire about Defendant Romig's 24 employment history or conduct while he was employed</p>	<p>1 MR. GROTH: I believe so. 2 MS. KERNAN: Yes. 3 (Exhibit Creeden-15 was marked for 4 identification) 5 (EXAMINATION) 6 BY MR. COX: 7 Q. Mr. Creeden, I'll show you what I've just 8 marked as exhibit fifteen. I'll let Mr. Groth take a 9 look at it as well. I'd like you to take a look at 10 that document and review it, please. 11 MR. GROTH: You want this marked 12 exhibit fifteen? 13 MR. COX: Yes. I marked it, but you're 14 welcome to -- 15 MR. GROTH: I'll put a sticker on it 16 just to be consistent here. 17 MR. COX: Thank you. 18 BY MR. COX: 19 Q. Mr. Creeden, I'll represent to you that this 20 is a document produced by Pennridge to the plaintiff in 21 this matter. It's Bates-stamped 012942 and 012943. 22 Take a minute and read that document, if you would, 23 please; let me know when you've done so. 24 (Witness complies)</p>

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<p>1 Q. Does that document refresh your memory as to 2 what steps the District took in response to the 3 allegations by Ms. Roush?</p> <p>4 A. Yes.</p> <p>5 Q. Against Mr. Ludlow?</p> <p>6 A. Right.</p> <p>7 Q. And what specifically did the District do?</p> <p>8 A. There is a ten-day suspension effective 9 immediately.</p> <p>10 Q. Does the letter state whether the District 11 concluded that Ms. Roush's allegations were founded or 12 unfounded?</p> <p>13 A. Founded.</p> <p>14 Q. All right. I'd like to go back to the earlier 15 allegations with respect to Mr. Ludlow by the students 16 back in the late '90s/early 2000 time frame.</p> <p>17 After the second round of allegations with 18 respect to Mr. Ludlow by the students in the January 19 time frame that came to your attention, what did the 20 District do at that time?</p> <p>21 A. I believe there was one student. I believe 22 the other student was, for want of a better word, an 23 escort.</p> <p>24 Q. All right.</p>	<p>1 A. They reinstated it. 2 MR. COX: That's all I have. Thank 3 you. 4 MR. GROTH: Can we go off the record, 5 please? 6 THE VIDEOGRAPHER: The time is now 4:22 7 p.m. We're now off the record. 8 (There was a discussion held off the 9 record) 10 THE VIDEOGRAPHER: The time is now 4:23 11 p.m. We are back on the record. 12 MR. GROTH: There being no other 13 questions, the deposition is concluded. Thank 14 you. 15 THE VIDEOGRAPHER: The time is now 4:23 16 p.m. This concludes today's deposition and DVD 17 number four. 18 (The deposition was concluded at 4:23 19 p.m.) 20 21 22 23 24</p>
Page 178	Page 180
<p>1 A. Only Katie Snyder was the one that I remember 2 with the allegations.</p> <p>3 Q. Did those allegations result in criminal 4 charges against Mr. Ludlow?</p> <p>5 A. Yes.</p> <p>6 Q. Did you testify at the criminal trial against 7 Mr. Ludlow?</p> <p>8 A. Yes.</p> <p>9 Q. Do you remember what the outcome of that trial 10 was?</p> <p>11 A. He was exonerated.</p> <p>12 Q. Was Mr. Ludlow's employment with the District 13 terminated?</p> <p>14 A. After the trial or before?</p> <p>15 Q. In that time frame.</p> <p>16 A. Yes.</p> <p>17 Q. Do you recall whether Mr. Ludlow and/or his 18 union grieved that termination?</p> <p>19 A. They grieved it.</p> <p>20 Q. And what was the outcome of that grievance?</p> <p>21 A. He was reinstated by the Pennsylvania 22 Department of Education.</p> <p>23 Q. Do you recall what PDE did with respect to his 24 teaching certificate in that --</p>	<p>1 Document entitled "Employment of District 2 Staff" 32 3 Extra Duty Contract (Coach-Assistant Coach) 63 4 Inquirer Article, posted January 14, 2001 101 4 Pennridge School District Unlawful Harassment 5 Policy, Section 248, Revised December 21, 5 1999 and June 21, 2004 129 5 Pennridge School District Unlawful Harassment 6 Policy, No. 248, Adopted September 24, 2012 131 6 Articled in The Morning Call, dated November 10, 2005 140 7 Email dated December 15, 2008 154 8 Student Handbook 159 9 ***NOT MARKED*** 10 Letter dated September 3, 2013 161 11 Document entitled "Pennridge School District 12 Administrative Guidelines, Unlawful Harassment" 163 12 Document entitled "Retirement" 165 13 Four-page document, Bates SD-017317 through 320, inclusive 168 14 Memo, undated, entitled "Notice to Individuals 15 Complaining of Unlawful Harassment," Bates 017327 through 331, inclusive 170 15 Letter dated February 22, 2001, from R.</p>

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SIGNATURE PAGE

I hereby acknowledge that I have read the
aforegoing transcript, and the same is a true and
correct transcription of the answers given by me to the
questions propounded, except for the changes, if any,
noted on the Errata Sheet.

SIGNATURE: _____

DATE: _____

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CERTIFICATION

I hereby certify that the testimony and
the proceedings in the foregoing matter are contained
fully and accurately in the stenographic notes taken by
me and that the copy is a true and correct transcript
of the same.

Lance A. Brusilow
Registered Professional Reporter
Certified Realtime Reporter

The foregoing certification does not
apply to any reproduction of the same by any means
unless under the direct control and/or supervision of
the certifying shorthand reporter.

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ERRATA SHEET

PAGE LINE

CORRECTION

46 (Pages 181 to 183)

1 THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA
3 CIVIL TRIAL DIVISION

4
5 JAMES NACE, et al CIVIL ACTION
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7 vs.
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PENN RIDGE SCHOOL DISTRICT,
et al. NO. 15-333

Friday, August 28, 2015

Oral deposition of KEVIN R. SMITH, held at
the offices of HORNSTINE PELLONI & HORNSTINE,
1500 Walnut Street, Suite 300, Philadelphia,
Pennsylvania, beginning at 1:45 p.m., on the above date,
before LANCE A. BRUSILOW, Registered Professional
Reporter, Approved Reporter for the United States
District Court, and Notary Public, there being present.

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20
21 ALSO PRESENT:
22 Henry Thompson

23
24

1 EXAMINATION INDEX
2 WITNESS: KEVIN R. SMITH
3 By Mr. Groth (page-6, 149)
4 By Mr. Russell (page-99)
5 By Mr. Santarone (page-135, 151)

6

7

8 EXHIBIT INDEX

9 Smith-1 Letter dated April 10, 2015
10 from D. Groth to Kevin and Annette
11 Smith (page-96)

12

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	<p>1 (It is hereby agreed by and 2 among counsel that sealing, certification 3 and filing are waived; and that all 4 objections, except as to the form of the 5 question, are reserved until the time of 6 trial)</p> <p>7 KEVIN R. SMITH, having been 8 first duly sworn, was examined and 9 testified as follows:</p> <p>10 EXAMINATION 11 BY MR. GROTH:</p> <p>12 Q. Would you state your full name, 13 please?</p> <p>14 A. Kevin Ross Smith.</p> <p>15 Q. Mr. Smith, my name is David 16 Groth, and I represent the plaintiff in a 17 lawsuit that's currently pending in the 18 Federal District Court for the Eastern 19 District of Pennsylvania, and I'm going to 20 ask you some questions about facts and 21 issues that I think are important to that 22 litigation.</p> <p>23 Have you ever given a 24 deposition before?</p>	Page 6	<p>1 Please allow us to complete the 2 question before you begin your answer so 3 the court reporter only has to take down 4 one of us speaking at the same time and 5 so that you know exactly what the 6 question is asking you for before you 7 begin your answer.</p> <p>8 If you don't understand a 9 question, let us know and we'll try to 10 clarify or rephrase or restate the 11 question for you so that you do 12 understand it before you give us an 13 answer.</p> <p>14 You have to give a verbal 15 response to all questions -- yes, no, or 16 a narrative explanation -- as opposed to 17 a head-shake yes or a head-shake no. The 18 court reporter can only make a 19 transcription of what's said here, so you 20 have to verbalize all of your answers and 21 you can't use any hand gestures or other 22 types of gestures. You are required to 23 answer every question you are asked to 24 the best of your ability and fully.</p>	Page 8
	<p>1 A. Yes, I have.</p> <p>2 Q. On how many occasions?</p> <p>3 A. One.</p> <p>4 Q. Criminal or civil?</p> <p>5 A. Civil.</p> <p>6 Q. What type of case?</p> <p>7 A. It was a lawsuit that my 8 ex-wife had filed against the hospital 9 regarding damages to my youngest son.</p> <p>10 Q. So, you're somewhat familiar 11 with the process?</p> <p>12 A. Yes.</p> <p>13 Q. Let me just go through a couple 14 instructions that will hopefully get us 15 through this quickly and efficiently.</p> <p>16 First, make sure you listen to 17 the questions that you're asked and that 18 you understand them before you give an 19 answer.</p> <p>20 If you give an answer to a 21 question, we will assume that you 22 understood the question and that you're 23 giving us your best recollection of facts 24 and events going back to around 2008/2009.</p>	Page 7	<p>1 There may be objections to 2 questions that you are asked. I may 3 object to a question somebody else asks 4 you or they may object to a question that 5 I ask you. If that's the case, just 6 allow the objection to be stated on the 7 record and then proceed to answer the 8 question.</p> <p>9 There are legal formalities that 10 require us to object to certain question, 11 but they really don't have anything to do 12 with you. That will be resolved, if 13 necessary, at a later time. So, you'll 14 answer the question even if there is an 15 objection.</p> <p>16 I'll be asking you questions 17 looking for facts and information that you 18 know personally or that you may have 19 heard or learned from other sources or 20 gotten through other sources. There is no 21 hearsay issue in a deposition as opposed 22 to at trial, so that even if your source 23 of information is another person, that you 24 don't know personally but you heard it</p>	Page 9

	Page 10		Page 12
1	from some other person or source, you're 2 required to give us that information as 3 well.	1 Q. Her name is Annette? 2 A. Annette Smith. 3 Q. And when were you married? 4 A. 2001. 5 Q. Back in 2009, 2008 and 2009, 6 2010, were you living at the same 7 address? 8 A. Yes. 9 Q. Who were you living with at 10 that time at that residence? 11 A. At that time it was my wife, 12 Annette, and Emily. 13 Q. That's your step-daughter, Emily 14 Mayer? 15 A. That's correct. 16 Q. Can you tell us a little bit 17 about your educational background, where 18 you graduated high school, what year, 19 where you went to college, what year you 20 graduated, what degrees you got, that type 21 of thing? 22 A. Sure. I went to Central Bucks 23 West High School in Doylestown. I 24 graduated in 1983. I went to Bucks	
1	Are you taking any medication	Page 11	Page 13
2	or other drugs today that would inhibit 3 your ability to testify in a deposition? 4 A. No. 5 Q. Do you understand that 6 testifying under oath today is the same 7 as if you were testifying at a trial of 8 this case in front of a judge and jury? 9 A. Yes. 10 Q. If you need to take a break 11 during the course of the questioning, just 12 let us know and we'll be happy to 13 accommodate you, even if it's just to get 14 a breath of fresh air, go to the mens 15 room or whatever. Whatever you need, we'll 16 be happy to accommodate you. 17 A. Okay. 18 Q. Mr. Smith, where do you live? 19 A. 219 Stonehaven Drive, Red Hill, Pennsylvania. 20 Q. And how long have you lived there? 21 A. Fifteen years. 22 Q. Who do you live there with now? 23 A. My wife.	1 County Community College for two years, 2 received an Associates Degree in Music. 3 Q. In music? 4 A. Yes. 5 Q. All right. 6 A. I transferred to West Chester 7 University, where I got a Bachelor of 8 Science Degree in Criminal Justice and a 9 minor in music. Subsequent to that my 10 next education was at Stevens Institute of 11 Technology in Hoboken, New Jersey. I 12 have a Masters of Science in Information 13 Management. 14 Q. What year was that? 15 A. 2007. 16 Q. And what was the degree in again? I'm sorry. 17 A. Its Masters of Science in Information Management. 18 Q. And what does that involve? 19 A. It's related to the IT industry, technology industry, technology systems for managing large amounts of information.	

	Page 14	Page 16	
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	<p>Q. Do you have any other formal education?</p> <p>A. No.</p> <p>Q. Let's go over your employment history for a moment.</p> <p>A. Uh-huh.</p> <p>Q. Starting after college, can you tell me by whom you were employed?</p> <p>A. Yes: After college I was employed by the Montgomery County District Attorney's Office, Office of County Detectives.</p> <p>Q. What years?</p> <p>A. It was 1988 through 1994.</p> <p>Q. In what position?</p> <p>A. I was an investigator.</p> <p>Q. Of what?</p> <p>A. A general investigator. I worked in several units within the county detectives: I worked the Narcotics Enforcement Team and I worked for Staff & Special Services.</p> <p>Q. What is that?</p> <p>A. It's kind of a catchall for all</p>	<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p> <p>marshal?</p> <p>A. Yes, we worked with the Montgomery County Fire Academy. They hosted the training.</p> <p>Q. I'm talking about out in the field, when you did an investigation. Would you generally be doing it with a fire marshal?</p> <p>A. Absolutely, yes.</p> <p>Q. Why did you leave that position?</p> <p>A. During that time I had an opportunity to change careers and go into IT technology based on work that I had done with the county detectives.</p> <p>Q. What was the first position you had in that field?</p> <p>A. I was a technical writer for General Accident Insurance.</p> <p>Q. What did that involve?</p> <p>A. Systems analysis, mainframe systems analysis; writing essentially user manuals, technical manuals related to the mainframe systems that were in use by the</p>	
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	<p>things that don't have an investigative arm: Homicide, major crimes and so forth. This was pretty much any other kind of investigation that would come up.</p> <p>Q. Did you ever work in homicide or major crimes?</p> <p>A. I did not.</p> <p>Q. What about sexual assaults?</p> <p>A. No.</p> <p>Q. What training did you get in order to allow you to work as an investigator for the Montgomery County DA's Office?</p> <p>A. It was primarily my degree, my Bachelor of Science Degree in Criminal Justice, then I had individual training sponsored by the county, and that training had to do with investigative techniques, specifically arson investigation.</p> <p>Q. Any other investigative techniques for any other types of crimes?</p> <p>A. No.</p> <p>Q. With the arson investigations, would you work with the county fire</p>	<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p> <p>Page 15</p> <p>insurance company.</p> <p>Q. Is this to track data, like the amount of claims or status of claims, stuff like that?</p> <p>A. It was for office systems that were in use at that time, so yes, certain insurance sales systems and so forth. Basically any technology system in the --</p> <p>Q. Sales, claims, policies, all that stuff?</p> <p>A. Yes.</p> <p>Q. What year did you start there?</p> <p>A. 1994.</p> <p>Q. Until when?</p> <p>A. 1997.</p> <p>Q. What was the position -- technical writer was the position for General Accident?</p> <p>A. Yes.</p> <p>Q. What was your next employment after 1997?</p> <p>A. So, after 1997 I was employed by Noble Consulting, and I was assigned to work in Merck Pharmaceutical.</p>	<p>Page 17</p>

	Page 18	Page 20
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	<p>Q. Until when?</p> <p>A. December of 1997.</p> <p>Q. Just one year?</p> <p>A. It was approximately six months, and I was converted from a consultant to an employee at Merck.</p> <p>Q. What was your position at Merck?</p> <p>A. In 1997 it would have been a systems analyst.</p> <p>Q. What did that involve?</p> <p>A. In general, supporting and analyzing failures in desktop systems, desktop/laptop computers; some degree of network operations as well, and that was diagnosing token ring network and so forth.</p> <p>Q. And how long were you in that position?</p> <p>A. I was in that position approximately a year and a half, and I received a promotion after that.</p> <p>Q. Within Merck?</p> <p>A. Yes.</p>	<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p> <p>December of 2014.</p> <p>Q. And what happened December of 2014?</p> <p>A. Merck went through a transformation and my position was moved to the Czech Republic. I chose not to move to the Czech Republic, so I was released from my employment at Merck.</p> <p>Q. Are you employed now?</p> <p>A. I am.</p> <p>Q. In what position?</p> <p>A. I am an associate manager of delivery for Accenture Consulting.</p> <p>Q. I'm sorry, I missed that, the name of the company.</p> <p>A. Accenture Consulting.</p> <p>Q. Doing what?</p> <p>A. I'm working at Merck, in the office of the CIO, doing Enterprise Performance Benchmarking.</p> <p>Q. And you're still in that position?</p> <p>A. Yes, I am.</p> <p>Q. So, basically, during the time</p>
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Page 19	Page 21
		<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p> <p>period that we're talking about back in 2009/2010, you were working at Merck as an associate director.</p> <p>A. Yes.</p> <p>Q. When you were working as an investigator for the Montgomery County DA's office, did you have occasion as part of your investigations to try to get telephone records?</p> <p>A. No.</p> <p>Q. When I say "telephone records," I am referring to any type of telephone record: A record of telephone calls made, record of text messages, any type of telephone information.</p> <p>A. No, at the time.</p> <p>Q. Whether or not that was part of your investigation, did you know what procedure had to be followed if you wanted to, for example, get or attempt to get from a telephone company a record of actual text messages sent between two individuals?</p> <p>A. I'm sorry, the question was</p>

	<p>1 text messages or telephone messages?</p> <p>2 Q. Specifically text messages.</p> <p>3 A. I would not have known at that</p> <p>4 moment. At that time we didn't have a</p> <p>5 lot of cell phones, so text messaging --</p> <p>6 I didn't experience any kind of</p> <p>7 investigation that would have involved</p> <p>8 text messages in my capacity as an</p> <p>9 investigator at that time.</p> <p>10 Q. At any time up until, say,</p> <p>11 2010, did you learn of what procedure</p> <p>12 would have to be followed if you wanted</p> <p>13 to try to get ahold of the content of</p> <p>14 text messages between two people?</p> <p>15 A. Yes.</p> <p>16 Q. How did you find out about</p> <p>17 that?</p> <p>18 A. Telephone records, I would have</p> <p>19 needed a search warrant to obtain</p> <p>20 telephone records. Text messaging, I</p> <p>21 can't say specifically when or how I knew</p> <p>22 that, but I knew that I would need --</p> <p>23 you would need a search warrant or some</p> <p>24 type of case identification to get text</p>	Page 22	<p>1 A. Yes, I understood that. And</p> <p>2 again, I don't know whether by reading</p> <p>3 articles on it or what, how I had that</p> <p>4 thought, but my understanding was that you</p> <p>5 couldn't just contact the company and have</p> <p>6 them send you the text messages.</p> <p>7 Q. Back in 2009/2010, you didn't</p> <p>8 have any residual power, after working for</p> <p>9 the DA's Office, of getting subpoenas or</p> <p>10 search warrants or whatever to get</p> <p>11 telephone records?</p> <p>12 A. No.</p> <p>13 Q. You got married to Annette in</p> <p>14 2001. Did you and Annette and Emily live</p> <p>15 together for that entire period of time</p> <p>16 between 2001 and 2009/2010?</p> <p>17 A. No, not the entire time. There</p> <p>18 was a custody arrangement for Emily and</p> <p>19 her father, and at that time I believe</p> <p>20 Emily would go to her father's on the</p> <p>21 weekends. We had Emily and her sisters</p> <p>22 during the week, and then Emily and her</p> <p>23 sisters would go to her father's house on</p> <p>24 the weekends.</p>	Page 24
	<p>1 messages. I may have read it. I don't</p> <p>2 recall specifically how I knew that</p> <p>3 information.</p> <p>4 Q. When you said "search warrant,"</p> <p>5 you mean search warrant or subpoena or --</p> <p>6 A. A subpoena, I'm sorry.</p> <p>7 Q. -- or some court document that</p> <p>8 enables you to serve it upon a</p> <p>9 communications company and require them to</p> <p>10 deliver to you documents that give you</p> <p>11 the information you're looking for.</p> <p>12 A. Correct.</p> <p>13 Q. And you don't recall how you</p> <p>14 found that out or when you found that</p> <p>15 out?</p> <p>16 A. I don't.</p> <p>17 Q. Was it your understanding back</p> <p>18 in 2009/2010 that you couldn't just simply</p> <p>19 go to your phone company for accounts</p> <p>20 that you were listed on, you were the</p> <p>21 owner of the accounts, and ask them or</p> <p>22 demand that they provide with you these</p> <p>23 telephone records or text-message-content</p> <p>24 records?</p>	Page 23	<p>1 Q. Every weekend?</p> <p>2 A. Yes, pretty much every weekend,</p> <p>3 unless we had something, you know, planned</p> <p>4 for that weekend or her father wasn't</p> <p>5 available to have them.</p> <p>6 Q. What about during the years of</p> <p>7 2008/2009? Was it customary for Emily to</p> <p>8 go live with her biological father during</p> <p>9 the weekends of the school year?</p> <p>10 A. No, not at that time.</p> <p>11 Q. What was the arrangement then?</p> <p>12 A. I don't remember the exact</p> <p>13 dates, but at one point Emily decided</p> <p>14 that she did not want to spend the</p> <p>15 weekends at her father's home and she</p> <p>16 asked if she could stay with us for a</p> <p>17 time.</p> <p>18 Q. Was there a reason why she</p> <p>19 didn't want to stay with him?</p> <p>20 A. The environment in the house</p> <p>21 was not something that she felt</p> <p>22 comfortable in. It was a bit chaotic.</p> <p>23 Her father had a girlfriend who had</p> <p>24 children there as well, and I think there</p>	Page 25

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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	<p>was quite a bit of competition for attention, so she -- it was just chaos. She just said "I don't really want to go there and stay on the weekends."</p> <p>Q. In 2009 how would you characterize your relationship with Emily?</p> <p>A. My relationship was good. It has always been very good with Emily.</p> <p>Q. Was there ever a period of time where there was a falling-out with her?</p> <p>A. Not from my perspective, no.</p> <p>Q. How about her relationship with her mother? How would you characterize that back in 2009?</p> <p>A. I think her relationship with her mom was good. I mean, typical teenage girl, you know, some of the stresses with mom.</p> <p>Her relationship with me was unique because I was a step-parent. So, she had more, you know, normal tension sometimes with mom, but overall her relationship was good.</p> <p>Q. Was there ever a time when</p>	<p>exams, anything like that.</p> <p>A. No.</p> <p>Q. In November of 2009 -- we just took Emily's deposition, as you know, and she said that's when she started dating Chase Brunner. Did you know Chase before that?</p> <p>A. No.</p> <p>Q. Had you ever met him before they were dating?</p> <p>A. No.</p> <p>Q. Had you met him after they started dating?</p> <p>A. Yes.</p> <p>Q. Did he pick her up at the house? Did she introduce him to you, that type of thing?</p> <p>A. I don't recall specifically. I know he came over to the house at some point after they started dating, and I would have met him then.</p> <p>Q. Okay. Do you recall if you met him prior to the time where the inappropriate text messages from Mr. Romig</p>
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	<p>Emily threatened to run away with a boyfriend?</p> <p>A. No.</p> <p>Q. Either while she was at Calvary Baptist or Upper Perkiomen or at Faith Christian Academy?</p> <p>A. No.</p> <p>Q. Was she ever kicked out of any of the schools she went to prior to going to FCA?</p> <p>A. No.</p> <p>Q. Were there any behavioral problems that she had at any of the prior schools before FCA?</p> <p>A. No behavioral problems, no.</p> <p>Q. I mean like in-the-school-building type problems, classroom issues, that type of thing.</p> <p>A. Can you rephrase that?</p> <p>Q. Yes. Not in her personal life; I'm talking about issues the school would have to get involved in and handle in some way: Truancy, acting out in class, disrespectful to teachers, cheating on</p>	<p>Page 27</p> <p>to Emily came to your knowledge?</p> <p>A. Yes.</p> <p>Q. You had met him before that.</p> <p>A. Yes.</p> <p>Q. Did you know anything about him at all?</p> <p>A. I think just the general: You know, who he was, his parents, who his parents were. I mean, once Emily had expressed an interest in him and that they liked each other, I -- that's why I don't remember the specific date, but I wanted to meet him, obviously, and find out about him.</p> <p>Q. And he was a student at FCA, also?</p> <p>A. I believe at that time, yes.</p> <p>Q. Emily did attend Calvary Baptist for a while.</p> <p>A. Yes.</p> <p>Q. High school.</p> <p>A. Yes.</p> <p>Q. Why did she leave there?</p> <p>A. She was having difficulty with</p>

	Page 30	Page 32
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	<p>the circle of girls that she had gone up through school with when she was in elementary and so forth. She was having some difficulty fitting in.</p> <p>She wasn't born and raised in that environment, so you never really fit in, and that's kind of where she felt that way.</p> <p>So, she had come to a point where there was a lot of tension, and she had asked us at one point -- she had said several times that she didn't want to attend there any more, and at -- so, to answer your question...</p> <p>Q. So, it wasn't anything that you initiated. It was something that she asked you about.</p> <p>A. Yes; we could see it.</p> <p>Q. Does Calvary Baptist have a church associated with it?</p> <p>A. Yes.</p> <p>Q. Were you members of that church?</p> <p>A. Yes, we were.</p>	<p>certain things were being said about her, her character and so forth, that were upsetting to her. And I don't know if I would use the term bully, but there were some pretty -- what she relayed to us were some pretty unkind and nasty things.</p> <p>Q. Such as?</p> <p>A. She was out sick -- this precipitated us actually pulling her out of Calvary: She had been out sick, and when she came back one of the girls had said to her, gosh, I wish you had died. She was quite upset about that, and so we made a determination then.</p> <p>Q. She went to Upper Perkiomen for a year?</p> <p>A. Yes.</p> <p>Q. What precipitated her leaving Upper Perkiomen to go to Faith Christian Academy?</p> <p>A. The environment primarily. She had just -- she had gone through school in a very controlled environment, a decent environment, and going to a public school</p>
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Page 31	Page 33
	<p>Q. When you testified that she didn't fit in there or she thought she didn't fit in, did she say in what respect she didn't think she fit in with the girls that she had been going to school with for a couple of years?</p> <p>A. I would use the term -- the term that would be used I would characterize as worldly. Emily lived in a different world than a lot of the other girls her age in that environment, coming from a divorced family, broken home or broken -- divorced situation, and her exposure to things in the world were different than a lot of those girls.</p> <p>So, there were certain elements that she couldn't connect with, and I think that created a lot of tension for her.</p> <p>Q. Did she say she was getting teased or bullied or harassed about some issue of her circumstance by the other girls that she knew?</p> <p>A. She had related, yes, that</p>	<p>was a little bit of a culture shock for her, even though she was accustomed to, you know, her circle and her father's house was all public school.</p> <p>I don't think at that point -- and this is my estimation -- she made the right choice of friends. So, she recognized at one point after being there for a while that she was not -- that this was not a healthy environment for her.</p> <p>Q. In terms of her choice of friends, in what way was she getting involved with the wrong friends?</p> <p>A. At Upper Perk she didn't take part in sports. Emily was very active in sports. It was an extremely important part of her life, and she couldn't be at Upper Perk -- again, my estimation is that the lack of that structure, the lack of the sports, gave her too much time on her hands, perhaps, would be a way of...</p> <p>Q. Did she use that time in a way that you didn't think was appropriate?</p>

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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	<p>A. There were occasions, yes.</p> <p>Q. And give me an example.</p> <p>A. She would sleep over a friend's house and she would lie and say that she was sleeping at one person's house when, in reality, she also sleeping at someone we didn't like, someone else's house.</p> <p>Q. Did she argue about leaving Upper Perk? I mean, did she give you any argument, say no, I want to stay here?</p> <p>A. No.</p> <p>Q. How did you come to choose Faith Christian Academy for her to go to?</p> <p>A. After we made the decision to have her leave Upper Perk, we had really a couple of choices. One was a charter school, a home school. That was an option that we were considering.</p> <p>I can't remember whether she brought up Faith Christian Academy or whether it was a thought that we had. I had heard very good things about the school. She knew several people -- they were rival schools with Calvary, so we</p>	<p>at Calvary, knew that she was very good, and I was at that time very pleased that he was interested in her as a player.</p> <p>I felt that she would get the attention that she needed to become a superb basketball player. And my contact with him was an introduction, a discussion with him, that I was excited about that and that he would be doing that to help Emily.</p> <p>Q. And that would have been the beginning of her junior year, correct, in 2008/2009?</p> <p>A. Yes.</p> <p>Q. Because what we're talking about later is the fall of 2009. So, this would have been in 2008.</p> <p>A. Right.</p> <p>Q. How would you rate her ability -- I know you're prejudiced as a parent, but how would you rate her ability as a basketball player on the two teams that she played for at Faith Christian?</p>
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Page 35	Page 37
<p>knew a lot of kids that went to Faith, and based on Faith's reputation we thought that that was an appropriate choice.</p> <p>Q. Did she know some of the girls who played athletics at FCA?</p> <p>A. Yes, she knew -- yes.</p> <p>Q. From playing them when she was at Calvary.</p> <p>A. Right. I wouldn't characterize them as friends, but she had acquaintances.</p> <p>Q. She started playing a number of sports when she went to Faith Christian Academy, including, I think she said, soccer and volleyball and basketball.</p> <p>A. Yes.</p> <p>Q. When did you first have any contact with her basketball coach, Eric Romig?</p> <p>A. My first contact with Eric Romig was the orientation day, her first day there. He was very excited to have her on the basketball team.</p> <p>He had watched her when she was</p>	<p>A. I am no judge of sports. I've never been involved. I was not a sports person. I thought that she was good. I thought she had the capacity to be outstanding if she worked hard at it, but I thought she was very good.</p> <p>Q. Was she one of the higher scorers on the team?</p> <p>A. I don't know about scoring, whether that was it. I know that she played very well as a team. So, I don't know that I paid attention to her scoring as opposed to her technique and her ability to work on a team.</p> <p>Q. Chelsea Romig was one of her teammates?</p> <p>A. Yes.</p> <p>Q. Did Chelsea ever come over to your house?</p> <p>A. (No response)</p> <p>Q. Emily had told us about sleep-overs where she went and slept at Chelsea Romig's house. I just wonder if she ever came over to your house.</p>	

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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	<p>A. I don't remember. I can't specifically recall if she did or not.</p> <p>Q. Did you go to the games occasionally?</p> <p>A. Yes.</p> <p>Q. You watched your daughter play, obviously. You watched Eric Romig coach the team?</p> <p>A. Yes.</p> <p>Q. Was your daughter happy playing on the team? I'm talking about the first year, as a junior.</p> <p>A. Yes.</p> <p>Q. Did she tell you that there was anything strange or uncomfortable in her relationship with Coach Romig during that junior year?</p> <p>A. No.</p> <p>Q. Had you heard from any source, from any other students, parents, people at the school, whatever, any reason to believe that there might have been some inappropriate behavior by Mr. Romig with any of his players?</p>	<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p> <p>her habits or her personality or her emotions or anything of that nature whatsoever?</p> <p>A. Not that I recall, no.</p> <p>Q. Prior to the time when Emily was sent home by Ryan Clymer from school to tell you about the texting situation with Romig, did you have any discussions with Romig where he discussed your daughter with you, anything about her basketball activities or her attitude or anything at all?</p> <p>A. No, not that I recall.</p> <p>Q. For that season, her senior season, do you know if she was a co-captain of the team?</p> <p>A. I believe she was.</p> <p>Q. Do you know of any situation that arose before Emily met with Ryan Clymer -- I believe on December 21st, 2009 -- where she was suspended as the co-captain or one of the co-captains on the basketball team for some reason by Coach Romig?</p>
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Page 39	Page 41
	<p>A. No.</p> <p>Q. Emily started the basketball season at FCA in November of 2009, and that's where we're going into detail here of what happened in the months of November and December.</p> <p>Up until the time when Emily was sent home to talk to you about the texting issue she was having with Mr. Romig, did you have any facts or information or any reason to believe or to suspect that there was an inappropriate texting situation going on between Eric Romig and Emily Mayer?</p> <p>A. No.</p> <p>Q. Did she ever say anything to you to indicate that she was uncomfortable playing for him that season before the meeting with Clymer took place?</p> <p>A. No.</p> <p>Q. Did you notice any change in her? I know she's a teenager, so they change all the time, but did you notice any specific change in her in terms of</p>	<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p> <p>A. No.</p> <p>Q. Did Coach Romig ever contact you or have any discussion with you complaining about any of Emily's conduct or behavior on or off the basketball court?</p> <p>A. No.</p> <p>Q. Did he ever communicate to you in some way, whether in person or by text or email or whatever, that she had been having problems with some of the girls on the team in terms of sort of back-biting and getting into arguments with them and generally not getting along with them the way he expected a co-captain to get along with her teammates?</p> <p>A. No.</p> <p>Q. Again, I believe on December 21st Emily had a meeting with Ryan Clymer in his office, then came home to talk to you about the reason for that meeting and what was going on between Eric Romig and her in terms of texting. Do you recall that occurring?</p>

	Page 42	Page 44
1	<p>A. I do, yes.</p> <p>Q. Do you recall the date of that?</p> <p>A. You just said December 21st.</p> <p>That's how I would recall it. I don't remember the exact date. I know it was right before the holiday season.</p> <p>Q. Let me just show you a document that was previously marked Romig exhibit six, which was an email from your wife to Ryan Clymer on December 31st, 2009.</p> <p>Why don't you just look at the first couple paragraphs of that and tell me if that matches your recollection of when this meeting with Clymer occurred and when Emily came home to you to tell you about the meeting.</p> <p>A. Okay.</p> <p>(The witness complies)</p> <p>Q. Does what's written in that email by your wife match your recollection in terms of dates?</p> <p>A. Yes.</p> <p>Q. Before that day had Emily ever stated to you that she was in some way</p>	<p>1 with Ryan at that time.</p> <p>2 Q. Do you recall anything that you</p> <p>3 talked about with him?</p> <p>4 A. No.</p> <p>5 Q. Just general...</p> <p>6 A. Just general chitchat.</p> <p>7 Q. Was that the first time you</p> <p>8 recall meeting him?</p> <p>9 A. That's my first recollection of</p> <p>10 contact with him, yes.</p> <p>11 Q. And between that time and</p> <p>12 whatever date that was and Monday,</p> <p>13 December 21st, do you recall ever talking</p> <p>14 to him and meeting with him again?</p> <p>15 A. No.</p> <p>16 Q. Was there any interview process</p> <p>17 to get Emily into this private school?</p> <p>18 A. I don't recall.</p> <p>19 Q. What was the tuition back then?</p> <p>20 A. My wife pays the bills. She's</p> <p>21 the CFO, so I don't know.</p> <p>22 Q. Do you have any idea?</p> <p>23 A. I would be guessing if I said.</p> <p>24 Q. Did you know any of the</p>
1	Page 43	Page 45
2	<p>attracted to Eric Romig in any way --</p> <p>3 strike that: That she was in some way</p> <p>4 attracted to Eric Romig as a male?</p> <p>5 A. No.</p> <p>6 Q. Did you ever hear her talking</p> <p>7 about him, that she thought he was</p> <p>8 handsome or, you know, athletic or</p> <p>9 anything of that nature whatsoever?</p> <p>10 A. No.</p> <p>11 Q. Prior to that date had you ever</p> <p>12 had any personal contact or involvement</p> <p>13 with Ryan Clymer?</p> <p>14 A. Yes. The only -- yes, I had</p> <p>15 contact with him.</p> <p>16 Q. What would that be?</p> <p>17 A. We went to, I think, Great</p> <p>18 Adventure. I don't remember the year,</p> <p>19 maybe 2008/2009. It was prior to this</p> <p>20 event. We went to Great Adventure with</p> <p>21 her physics class, the teacher, and Ryan</p> <p>22 drove the bus and I sat up front. My</p> <p>23 wife and I went along as well.</p> <p>24 Q. Chaperones?</p> <p>A. Yes, and I had conversations</p>	<p>1 assistant coaches on the basketball team</p> <p>2 at that time: Robin Landis or Marc</p> <p>3 Hoover?</p> <p>4 A. I know who they were. I</p> <p>5 wouldn't characterize it as I knew them.</p> <p>6 Q. Did you know who Mr. Hollenbach</p> <p>7 was?</p> <p>8 A. Yes.</p> <p>9 Q. I knew he was the athletic</p> <p>10 director?</p> <p>11 A. Correct.</p> <p>12 Q. When Emily was going to FCA,</p> <p>13 were you still members of the Calvary</p> <p>14 Baptist Church?</p> <p>15 A. I believe our membership was</p> <p>16 still there, but we weren't attending.</p> <p>17 So, we were still officially members of</p> <p>18 it, yes, but we weren't attending.</p> <p>19 Q. But what I was also getting at</p> <p>20 is, you didn't switch over to go to Faith</p> <p>21 Baptist Church.</p> <p>22 A. No, we did not.</p> <p>23 Q. Let's talk about the day that</p> <p>24 Emily came home from school and told you</p>

<p>Page 46</p> <p>1 about her meeting with Ryan Clymer and 2 the texting issue with Eric Romig. 3 First of all, do you recall 4 what time of day that was? 5 A. I believe it was in the 6 afternoon. 7 Q. Do you know approximately what 8 time, like midday or later in the 9 afternoon? 10 A. I don't recall the exact time. 11 Q. You and your wife were both 12 working at home at that time, so you were 13 home pretty much during the work week? 14 A. That's correct. 15 Q. And what did you say to Emily 16 when she walked in the door when you 17 thought she was supposed to be in school? 18 A. I don't remember my exact 19 words, but I remember we were surprised 20 that she was home and wanted to know why 21 she was home. 22 Q. And what discussion did you 23 have? Tell us as much as you can recall 24 about what she told you and what you said</p>	<p>Q. Was it your impression that it had been going on for more than a couple days or a week or something like that? A. Correct. Q. And what did she tell you about the texts at that time? A. She was very uncomfortable, I think potentially, in my presence to describe what the texts were. And I do remember saying to her would you feel more comfortable just you and your mom talking and you tell her what the texts were, and she said no, that was fine, but she had difficulty expressing some of them. She did mention specifically a basketball game on the bus where he was sitting next to her, and I think she generalized that he was interested in her in an inappropriate way, and that was how she had described it. At that point I thought that perhaps it would be easier for her to write down what she recalled of the text</p>
<p>Page 47</p> <p>1 to her. 2 A. If I recall, she was visibly 3 upset. She sat down and she began to 4 tell us that Eric Romig had been texting 5 her. She didn't give any detail at that 6 time as to what was in the texts, but 7 they made her uncomfortable and that this 8 had been going on and that one of her 9 teachers or one of the -- I guess one of 10 the teachers at the school had taken her 11 down to Ryan's office to let him know 12 what was going on with that. 13 General discussion -- I don't 14 recall the exact discussions around it, 15 and I know my first question was did you 16 save the text messages and she said no, 17 that she had deleted them all. 18 Q. You just testified that she 19 told you that this had been going on, 20 this texting, for some time. Did she 21 tell you when it started? 22 A. I don't recall that she said 23 exactly when it started. It wasn't -- I 24 don't recall.</p>	<p>Page 49</p> <p>1 messages rather than to articulate it in 2 front of us. 3 Q. Before we get to the point 4 where she wrote down what she could 5 remember about the text messages, did you 6 question her at all as to whether or not 7 she had reported this to anybody herself? 8 Obviously she had not reported it to you 9 or your wife, correct? 10 A. Correct. 11 Q. She told you she had a meeting 12 with Clymer. Did she tell you how that 13 meeting arose, what circumstances led 14 to that meeting? 15 A. Eventually she did. At that 16 moment in time, I don't recall that she 17 did. 18 Q. What did she tell you 19 eventually, how it happened? 20 A. I don't know if it was her 21 homeroom teacher or someone in her 22 homeroom in a teaching capacity had 23 overheard some part of a conversation and 24 had asked Emily specifically if that</p>

	<p>1 activity was going on, and she said it 2 was, and that she said "We need to go 3 down and alert Ryan right away."</p> <p>4 Q. Do you know if that person was 5 Cheryl Alderfer?</p> <p>6 A. It was, yes.</p> <p>7 Q. Did you know Cheryl Alderfer 8 before this?</p> <p>9 A. I did not, no.</p> <p>10 Q. Did you know Emily's homeroom 11 teacher?</p> <p>12 A. I don't know. I know one 13 teacher she had, Mrs. Tatarro, was one 14 person that I met, but she really, you 15 know, had endeared herself to -- I don't 16 know at that moment in time who her 17 homeroom teacher was. I don't recall.</p> <p>18 Q. Okay. When Emily first told you 19 that she had been getting some texts from 20 Mr. Romig that she felt were 21 inappropriate, did she tell you, after a 22 little prompting and questioning go by you 23 and your wife, that they were sexual in 24 nature?</p>	Page 50	<p>1 told Mrs. Alderfer about it. Did she 2 tell you that she told some of her 3 girlfriends about it?</p> <p>4 A. Yes. Eventually she did say 5 that, that she had been with several of 6 her friends. I don't recall who they 7 were, but she had brought it up or she 8 had said something about it and they 9 were -- and that was when it was 10 overheard, apparently.</p> <p>11 Q. Do you know whether or not at 12 that point -- that is, when she's first 13 sitting down with you and your wife and 14 telling you about this -- whether she had 15 told her boyfriend, Chase Brunner?</p> <p>16 A. At the time that she was 17 telling us?</p> <p>18 Q. Yes.</p> <p>19 A. She did not -- I did not know 20 that. She did not tell me that.</p> <p>21 Q. You did not know that then. 22 Did she tell you some later time?</p> <p>23 A. Yes.</p> <p>24 Q. Approximately when did she tell</p>	Page 52
	<p>1 A. Yes.</p> <p>2 Q. Did she start to describe to 3 you verbally before she wrote anything 4 down, did she describe to you what some 5 of those texts stated, what types of 6 things -- what type of content was in the 7 texts?</p> <p>8 A. She again referenced 9 specifically the situation on the bus 10 where -- yes, the bus, where he said that 11 he wanted to be in her, and that was 12 very difficult for her to articulate.</p> <p>13 I specifically recall that 14 because she was quite upset by that, that 15 he wanted to be with her and be alone 16 with her. I do recall that.</p> <p>17 Q. Did she tell you any other 18 contents of any other text messages that 19 she found offensive or objectionable?</p> <p>20 A. Not at that moment, no.</p> <p>21 Q. Did your wife ask her whether 22 or not she had informed other people 23 about this texting issue with Mr. Romig?</p> <p>24 You already said that somebody</p>	Page 51	<p>1 you, within the same week or...</p> <p>2 A. Within the same month time 3 frame that she had told Chase about it.</p> <p>4 Q. Did Emily tell you whether or 5 not she had ever shown any of the 6 inappropriate texts to anybody else? Not 7 just told them about them, but actually 8 showed them to somebody.</p> <p>9 A. Yes.</p> <p>10 Q. Who was that?</p> <p>11 A. Her boyfriend Chase.</p> <p>12 Q. Did she tell you how many texts 13 she had showed him?</p> <p>14 A. She did not.</p> <p>15 Q. You testified that after you 16 had this initial conversation with Emily, 17 that you asked her to write down some of 18 the inappropriate texts -- that is, the 19 content of those texts -- as well as she 20 could remember it.</p> <p>21 A. Right.</p> <p>22 Q. In order to have it fresh in 23 her mind before too much time had passed?</p> <p>24 A. That's correct.</p>	Page 53

	Page 54	Page 56
1	<p>Q. While you were having that discussion with her, did you ask her why she didn't report this to you and your wife earlier?</p> <p>A. I did.</p> <p>Q. What did she say?</p> <p>A. She said that she was uncomfortable with it and she wasn't sure really what to do. She was afraid what potentially my response or my wife and my response would be.</p> <p>Q. Afraid in what way?</p> <p>A. She didn't elaborate, but I thought -- my impression was that she was afraid that we would be mad at her.</p> <p>Q. At her.</p> <p>A. Yes; or mad about it, her included.</p> <p>Q. Mad at the fact that she didn't report it to you earlier?</p> <p>A. No, just that it was an uncomfortable situation and she was afraid to bring it to our attention.</p> <p>Q. Did Emily do what you asked her</p>	<p>A. This is the document that Emily produced when we asked her to write down what she remembered from the text messages she had deleted.</p> <p>Q. Did you ask her to write down all of the content of all of the text messages she deleted?</p> <p>A. I don't recall if I used that exact terminology, "all of it." I wanted her to document what she could remember of the text messages that she had sent back and forth.</p> <p>Q. Did she tell you whether or not some of the text messages were sort of neutral; that is, that they really didn't have a sexual content? They were talking about things other than basketball, maybe personal things other than basketball, but nothing sexual?</p> <p>A. She didn't clarify to me at that time.</p> <p>Q. The content of the texts?</p> <p>A. At that time content other than the specific texts that made her</p>
1	<p>to do, which was to write out, to the best of her recollection, some of the texts that she found offensive or inappropriate that she had received from Mr. Romig?</p> <p>A. She did.</p> <p>Q. Did she tell you in that initial discussion about how many texts had gone back and forth between the two of them?</p> <p>A. She said a lot.</p> <p>Q. A lot.</p> <p>A. A lot.</p> <p>Q. Did you have any idea at that time -- I know we'll get to later what happened, but at that time did you have any idea of the quantity of texts that had been going between them over a few-month period?</p> <p>A. I did not.</p> <p>Q. I'm going to show you the second page of Romig exhibit six and ask you if you can identify what that document is.</p>	<p>uncomfortable.</p> <p>Q. Did she hand this list over to you and your wife?</p> <p>A. Yes, she did.</p> <p>Q. Did she prepare any other document about the texting situation with Mr. Romig other than this document, to your knowledge?</p> <p>A. To my knowledge no.</p> <p>Q. Did anybody from FCA ever ask her or ask you to ask her to come up with more specific information or some other information about the texting between the two of them?</p> <p>A. No.</p> <p>Q. Do you know if she ever had another or a second meeting with Ryan Clymer after the first meeting she had with him on December 21st?</p> <p>A. Yes.</p> <p>Q. She did or didn't?</p> <p>A. She did.</p> <p>Q. Where was that?</p> <p>A. I don't remember the specific</p>

	Page 58		Page 60
1	date. It would have been, I believe, in 2 the month of January at some point. 3 Q. What was the circumstance? 4 A. My apologies. That's incorrect. 5 Q. I'm asking about Emily now, not 6 you or your wife or whatever. I'm asking 7 about whether Emily had a second meeting 8 with Ryan Clymer. 9 A. I'm not aware that she did. 10 Q. When Emily turned over this 11 document to you -- that's the second page 12 of Romig-6 -- did you go over any of 13 this with her? 14 Did you go over line-by-line 15 what she meant to convey in all these 16 statements that she attributes to Eric 17 Romig in the texts? 18 A. I don't know that I went over 19 it line-by-line, but I did ask her if 20 these were accurate, to her knowledge, 21 what she had written, and to put down as 22 much as she could remember from those 23 text messages. 24 Q. Now, Chase Brunner wasn't there	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	inappropriate text messages to Emily? A. Yes. Q. When did he tell you that? A. I don't remember specifically when it was that he indicated that he had seen them. I would say on two occasions recently, as well, I asked him, you know, hoping to refresh my memory, and he indicated again that, yes, he had seen those text messages. Q. Did Emily ever tell you that forwarded any of the test messages to anybody, including Chase Brunner? A. No. Q. When she showed you this typed list of the content of inappropriate texts she received from Eric Romig, did you question her then as to why she didn't bring this up to you beforehand as it was happening? A. I don't believe I did at that time. She was very upset and I didn't feel it was -- and she -- no, I did not ask her at that time because she was very
	Page 59		Page 61
1	at the time, right? The time of this 2 first discussion between you, your wife 3 and Emily. 4 A. Correct, he was not there. 5 Q. I'm sorry if I asked you this 6 before: Do you know whether or not she 7 had shown Chase Brunner some of these 8 texts up to this point? 9 A. I knew subsequent to this date, 10 yes, she indicated that she had shown 11 Chase text messages. 12 Q. Did you ask to see Emily's 13 phone yourself? 14 A. Yes. 15 Q. And did you go through it to 16 see if you could find any texts that were 17 on there? 18 A. Yes. 19 Q. And did you find any? 20 A. No. 21 Q. We're jumping ahead a little 22 bit, but did you ever have a conversation 23 with Chase Brunner where he told you that 24 he had in fact seen some of the	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	upset. Q. This list of statements reflected in the content of inappropriate texts to her by Eric Romig was sent to Ryan Clymer on Thursday, December 31st, 2009 by your wife, according to that email attached to it, correct? A. Correct. Q. Do you know why you did not forward this to him until approximately eight days after Emily made the list? A. (No response) Q. Oh, you have it there. A. Yes. I don't know specifically why we sent it on the 31st. I don't recall what -- I don't recall why we would have sent it then. I don't know. Q. Let me ask it this way: After Emily met with you on the 21st of December and typed up this list and you had whatever discussion with her, did you do anything or your wife do anything to contact Ryan Clymer or anybody else at FCA that same day?

	Page 62	Page 64
1	A. Yes. Q. And who tried to make that contact, you or your wife? A. Both my wife and I. Q. Were you on some kind of speakerphone or whatever? A. Yes. Q. Were you able to reach anybody that day? A. I don't believe we were, and that was that Ryan was on vacation or was going on vacation. I don't believe on that specific day, on the 21st, we contacted Ryan. I don't recall exactly the date. I know it was within that next day that we reached out to Ryan. We were more focused on Emily at that moment in time. And I don't recall specifically the date, but I know that we contacted Ryan. It would have been potentially the next day. Q. Let's stay on the 21st for a second.	1 Q. By telephone? A. Yes. Q. Did you ask to see him? A. I believe we did. The intention was to see him. And if I recall correctly, he was going on vacation and he couldn't see us. Q. So, would it be fair to say that all your communications with him pretty much took place over the telephone or through email or some electronic communication? A. That is correct. Q. Did you ever have a face-to-face meeting with him about this issue of FCA's coach sending inappropriate text messages to one of his players at any time before Mr. Romig left as coach of the team? A. No, we did not. Q. Did Mr. Clymer ever call you or your wife in to try to make an appointment to see you personally to tell you what, if anything, he was doing to
1	A. All right. Q. Did Emily tell that you she was told to leave the school by Ryan Clymer? A. Yes. Q. Did she tell you that she was told by Ryan Clymer that she could not engage in any basketball activities? A. Yes, she told us that. Q. Did she tell you that Cheryl Alderfer sat through the meeting that she had with Ryan Clymer? A. Emily has told us that, yes. At that moment in time -- I don't recall whether she told us at that moment. Q. Have you ever had any discussion about any of these issues with Cheryl Alderfer? A. I have not myself, no. Q. Do you know if your wife has? A. I do not, know. Q. You said that if you didn't get ahold of Ryan Clymer that day, the 21st, you got ahold of him the next day? A. Approximately -- yes.	1 investigate what was going on? A. No, he did not. Q. Did Emily tell you how long her meeting with Ryan Clymer lasted? A. She did: She said it was fairly short. Q. Did she tell you whether or not he asked her for any details or any actual content of any of the texts between Ryan Clymer and her? A. I don't recall that she told me that. Q. When Emily told you this story -- you said she was visibly upset -- did you have any reason to disbelieve her? A. No. Q. Did you and your wife ever discuss between each other that there might be some reason for her to make this up? Not about the number of texts specifically, because that could be verified and it eventually was verified, but about the content of the texts, about

	<p>Page 66</p> <p>1 the inappropriate nature of the texts. 2 Did you ever discuss with your 3 wife or think to yourself, you know, I'm 4 not sure I believe what she's telling me? 5 A. No. 6 Q. Had Emily ever had a texting 7 issue before this, to your knowledge? I 8 mean, where you found out that she was 9 texting somebody she shouldn't have been 10 texting or texting in too great a volume 11 or quantity or anything of that nature at 12 all? 13 A. No. 14 Q. Any problem with the use of her 15 cell phone? 16 A. No. 17 Q. You believe you did get ahold 18 of Ryan Clymer the next day? 19 A. Yes. 20 Q. What was said during that 21 conversation? 22 A. I informed him of what Emily 23 had told us. At that point in time I 24 had gone out to my cell phone provider</p>	<p>Page 68</p> <p>1 discuss that with anybody at Verizon? 2 A. Correct. 3 Q. And you told Mr. Clymer that 4 you had already downloaded this 5 information and could make it available to 6 him. 7 A. Yes. 8 Q. And what did he say in 9 response? 10 A. I don't recall a specific 11 response from him. I told him I was going 12 to be sending it to him. 13 Q. You didn't ask him whether he 14 wanted it or whatever. You just said "I'm 15 going to send you this information." 16 A. That's correct. 17 Q. Did Ryan Clymer tell you 18 anything about what he was doing, if 19 anything, to investigate the allegations 20 that your daughter had made against Mr. 21 Romig? 22 A. He indicated that he was 23 looking into the matter. He indicated 24 that there was -- that he would be</p>
	<p>Page 67</p> <p>1 and was able to download a spreadsheet of 2 text-message numbers, indicators of text 3 messages; and that I had put together a 4 spreadsheet that had pivot tables in it 5 that showed the number of texts between 6 what I was told was Eric Romig's 7 telephone number and Emily's telephone 8 number. 9 I informed him that I had that 10 information and, you know, wanted to know 11 what was going to happen, what was 12 happening at this point. 13 Q. First of all, who was your 14 telephone provider? 15 A. Verizon. 16 Q. Did you have to go to an 17 office somewhere for Verizon, or did they 18 just give you access to it somehow? 19 A. That's part of my online 20 account. I was able to bring up all my 21 telephone numbers and be able to download 22 telephone call/texting records for -- it 23 goes back, I think, about six months. 24 Q. So, you never had to actually</p>	<p>Page 69</p> <p>1 looking into the matter. 2 I don't remember the exact 3 dialogue conversation, but he indicated 4 that there was -- that he was going to 5 be speaking with someone, either the Bucks 6 County detectives or someone in that 7 capacity, to begin to look and to begin 8 to investigate what was going on. 9 Q. Did he tell you who that would 10 be? 11 A. No, he did not. 12 Q. Did he tell you anything that 13 he was doing himself within the school to 14 investigate, whether he was interviewing 15 people or trying to find out more 16 information internally to FCA as opposed 17 to going outside of FCA? 18 A. No, he did not. 19 Q. Did he tell you that he wanted 20 to speak to Emily again? 21 A. No, he did not. 22 Q. Did you go over with him any 23 of the information that Emily had written 24 or typed on that statement of the</p>

	Page 70	Page 72	
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	<p>offensive text messages she got from Romig?</p> <p>A. I think I did articulate a couple of them and would be providing that as well. I don't recall specifically which ones I told him or what the conversation, but I did indicate that we had Emily write down what she remembered.</p> <p>Q. And do you recall having a conversation with Mr. Clymer where you discussed inappropriate sex-based texts from Mr. Romig to your daughter?</p> <p>A. Yes. I believe the bus situation sticks in my mind as a key element with what was going on, and I'm fairly sure I told him about that. I want to say that I -- I know that that was an element in what she had told us.</p> <p>Q. And that's the second item on her list, her statement that she typed up December 5th? That's the text that you're referring to?</p> <p>A. Yes.</p>	<p>Q. Well, the first conversation we talked about would have happened no later than December 22nd, 2009. It was the day after Emily told you about her meeting with Clymer.</p> <p>Do you remember approximately how many days later it was?</p> <p>A. I don't. I'm sorry.</p> <p>Q. That's okay. I don't want you to guess. If you can estimate or approximate, that's fine, but don't just guess.</p> <p>Was there another conversation with Mr. Clymer?</p> <p>A. I recall another conversation with Mr. Clymer.</p> <p>Q. Was your wife a party to that conversation as well?</p> <p>A. I believe so, yes.</p> <p>Q. On a speakerphone at home?</p> <p>A. Yes.</p> <p>Q. And what was discussed during that second Clymer telephone conversation?</p> <p>A. My recollection of that</p>	
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Page 71	<p>Q. And do you recall telling him exactly what that text said as she has in quotes, "I want to be in you," as opposed to saying something like "I want to be with you"?</p> <p>A. I believe I articulated that statement, "I want to be in you," the sexual connotation of it, yes.</p> <p>Q. Did Mr. Clymer tell you that he wouldn't have access to his work emails because he was away on the holidays, so he wouldn't be getting emails right away?</p> <p>A. He indicated that he would be away on the holidays; away, out of the area, for the holidays. Nothing specific to his email.</p> <p>Q. Do you recall when it was that you had the next conversation with Mr. Clymer?</p> <p>A. I don't remember the exact date, but it was, I believe, after he returned from -- I don't remember the exact date. It would have been when he returned from vacation.</p>	<p>conversation is sparse. I know that he indicated that he had received the information that I had sent him.</p> <p>I don't recall specifically other than he was still investigating or still looking into it, but unfortunately I don't recall much of the context of that other conversation.</p> <p>Q. Do you remember him telling you that he was conducting any interviews of people who might have some knowledge about Mr. Romig's conduct at the school?</p> <p>A. I do not recall.</p> <p>Q. Students or other staff people or assistant coaches or anything like that?</p> <p>A. I don't recall if he told me that.</p> <p>Q. When he told you during the first conversation, telephone conversation, that he had discussed this allegation with a police official, some police official, did he tell you that he was actually reporting this to police officials or that</p>

	Page 74	Page 76
1	he just knew somebody who was a police 2 official and wanted to get some guidance? 3 4 A. He indicated that he knew 5 someone -- I could tell you my impression 6 was that it was someone in the church or 7 within his circle that was in a 8 law-enforcement capacity. 9 Q. Okay. 10 A. A Bucks County detective comes 11 to mind in that recollection, and that he 12 was going to be speaking with him. 13 And subsequent to your question, 14 that other conversation, I do recall now 15 that he indicated that the initial 16 conversation did not -- that he had that 17 initial conversation with this individual 18 and that they didn't feel that there was 19 a lot there. 20 I don't want to elaborate 21 because I don't remember exactly the 22 conversation. I know my impression from 23 that conversation, although I don't 24 remember the exact words, was that the impression was that there wasn't anything	1 Q. How did you plan on doing that? 2 A. I wrote Verizon an email to 3 their customer support, and they indicated 4 that they could not send me that 5 information. I reached out to -- 6 Q. Did she say why? 7 A. No, other than they're not 8 permitted to send me that information. 9 Q. Okay. 10 A. I reached out to Henry 11 Thompson. I believe Emily gave me his 12 telephone number. He indicated he knew 13 an attorney that may be able to get that, 14 that this attorney's potentially was 15 involved or had contacts within Verizon 16 and that I would potentially be able to 17 get that information. 18 Again, how I knew I don't 19 recall, but I knew I would need a 20 subpoena, would probably need some court 21 action or official document to be able to 22 subpoena those records. 23 I left two messages for the 24 attorney that I had been given the number
1	Page 75	Page 77
2	that they could do from that perspective. 3 They didn't feel it warranted it because 4 they didn't feel -- they couldn't do 5 anything with that. 6 Q. Did he tell you that the reason 7 was that Ryan -- did Ryan Clymer tell you 8 that the reason they couldn't do much 9 with it was because Emily had deleted the 10 texts? 11 A. I believe so, yes. 12 Q. Did Ryan Clymer, in either of 13 the two conversations with you and your 14 wife, ever tell you to try to get the 15 actual content of the texts yourself? 16 A. No. 17 Q. Did you tell Ryan Clymer during 18 either of those two telephone 19 conversations that you would attempt to 20 get the content of the texts? 21 A. Yes. 22 Q. And what did you tell him 23 specifically? 24 A. That I would try to get the content of the text messages from Verizon.	1 for, and she never responded to any of my 2 telephone calls. 3 Q. Do you know who that attorney 4 was? 5 A. I don't remember. 6 Q. Do you recall the name at all? 7 A. I do not. I do not. 8 Subsequently I did talk to actually my 9 divorce attorney, who I had a 10 long-standing relationship with, and asked 11 her if she could send a letter to Verizon 12 to get -- to see if that had any kind of 13 weight to get... 14 Q. The content. 15 A. Yes, and there was nothing. She 16 couldn't get them. 17 Q. I don't understand how you got 18 directed to Henry Thompson. How did your 19 daughter know Mr. Thompson? 20 A. He was Chase's basketball coach. 21 Q. And why did she direct you to 22 him? 23 A. I don't recall. I don't know 24 if there was information exchanged there,

	Page 78	Page 80
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	<p>but Emily was given a telephone number to give to me -- I received the telephone number.</p> <p>I don't recall exactly the mode of how I got that telephone number, whether Emily gave it to me or whether Henry called me. I don't recall the instance, but I know that I was given the number.</p> <p>I know I had a conversation with Henry about the situation and that I had gotten that telephone number. Again, I don't recall the relationship of this attorney, but I was given the number to contact her.</p> <p>Q. Was it your impression or understanding that the attorney whose number you were given was a private attorney, like with a law firm, as opposed to a district attorney or whatever?</p> <p>A. Yes.</p> <p>Q. Did Mr. Thompson say anything about his wife having potentially some</p>	<p>something about this texting situation and was given information about it before you gave him any information or talked about it with him?</p> <p>A. It was my impression that he understood some element of the situation in giving me that information to call the attorney.</p> <p>Q. Do you recall writing that phone number down, the attorney's phone number?</p> <p>A. I would have written it down, yes.</p> <p>Q. Do you remember storing it in your phone at all?</p> <p>A. To.</p> <p>Q. We were talking about the second telephone conversation you had with Ryan Clymer where you discussed, in part, that you had sent him these telephone logs of the text messages between Emily and Eric Romig, correct?</p> <p>A. Correct.</p> <p>Q. And I think you said that he</p>
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Page 79	Page 81
	<p>contacts somewhere?</p> <p>A. The context of that conversation, how I got that number, I don't know if it was his wife or someone his wife knew. Somewhere the wife came into the conversation. I don't honestly recall.</p> <p>Q. And you actually called the number he gave you.</p> <p>A. Yes.</p> <p>Q. On more than one occasion.</p> <p>A. Yes.</p> <p>Q. And you left messages?</p> <p>A. Yes.</p> <p>Q. Was it a male or female attorney?</p> <p>A. Female attorney.</p> <p>Q. And you never got any response to either message.</p> <p>A. Correct.</p> <p>Q. When you called Henry Thompson, did he know anything about why you were calling him? In other words, was it your impression or understanding that he knew</p>	<p>told you that he had received them.</p> <p>A. That's correct.</p> <p>Q. Did he ask you to do anything else?</p> <p>A. No.</p> <p>Q. As part of his investigation, did he ask you to report this to the authorities: ChildLine, Department of Public Welfare, DA's Office, police department? Did he ask you to do that?</p> <p>A. No, he did not.</p> <p>Q. Did you ever discuss that with him?</p> <p>A. I believe in the first conversation that we had -- I retract that. In a conversation -- and I don't recall whether it was the first or the second -- we had talked about the impact potentially that it would have on the school.</p> <p>I had some concern for -- I use the term the cause of Christ, that there was concern there, but that...</p> <p>Q. I don't understand what you</p>

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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	<p>meant by that term.</p> <p>A. At that time there had been a lot in the media bashing Christianity, bashing the schools, churches and so forth.</p> <p>Q. Right.</p> <p>A. So, I remember specifically expressing that to him, that there was concern about this.</p> <p>Q. Of the negative impact on the school or the church?</p> <p>A. Yes, but that it needed to be addressed. It needed to be investigated. But he never asked me to do any of the investigation or anything like that.</p> <p>Q. Did Ryan Clymer say anything about the negative impact this might have on the school if this got out into the public realm?</p> <p>A. No.</p> <p>Q. Did he tell you whether or not he was actually consulting with an attorney to get some instruction or guidance about what to do with this</p>	<p>conversation with potentially the basketball -- I don't know who exactly. I know my wife had conversation with several people there at the school.</p> <p>She is a little bit more involved with regard to Emily's basketball and the women that were involved with it.</p> <p>Q. Do you know if she's talked to the assistant coaches at all, Robin Landis or Marc Hoover?</p> <p>A. Robin Landis, I believe, she might have had a conversation with.</p> <p>Q. Did she tell you what the conversation involved with Robin Landis?</p> <p>A. I don't recall specifically, no.</p> <p>Q. At some point there had to be a resolution to this, correct? A resolution by the school. They had to do something.</p> <p>Did somebody tell you what the school was doing based upon its investigation of this allegation?</p> <p>A. I don't recall that we had a direct contact from the school telling us</p>
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	<p>information he was generating?</p> <p>A. No.</p> <p>Q. Do you recall anything else about that second conversation with Ryan Clymer regarding your daughter's situation with Mr. Romig? Anything else that was said by either party.</p> <p>A. No. At the moment, no.</p> <p>Q. Was there another conversation after that?</p> <p>A. Not that I recall.</p> <p>Q. With Ryan Clymer.</p> <p>A. Not that I recall.</p> <p>Q. Did you have any contact with any other administrator or employee of Faith Christian Academy other than Ryan Clymer about this issue?</p> <p>A. (No response)</p> <p>Q. And the conversation you said you had with Henry Thompson. Anybody other than those two.</p> <p>A. Myself personally, no.</p> <p>Q. What about your wife?</p> <p>A. My wife might have had</p>	<p>Page 83</p> <p>a resolution. That's why I hesitated. I don't recall a specific resolution that was articulated to us other than we did hear things from other folks in the school.</p> <p>Q. Let's stick with Ryan Clymer first.</p> <p>A. Okay.</p> <p>Q. You don't recall getting a telephone call from him or an email or something from him saying exactly what he's going to do about the allegation?</p> <p>A. No.</p> <p>Q. Did you ever request an in-person meeting with him during your telephone calls?</p> <p>A. I believe we did, actually.</p> <p>Q. What did he say?</p> <p>A. I don't recall specifically what he said, but it could never -- it never was able to be scheduled.</p> <p>Q. Did you ever consider yourself informing local authorities -- ChildLine, police, DA, Department of</p>

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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	<p>Public Welfare -- of the allegations your daughter was making against Mr. Romig?</p> <p>A. I did.</p> <p>Q. And what did you decide and why?</p> <p>A. When Emily first indicated what was going on, that was a thought that went through my mind, was to contact Bucks County Detectives.</p> <p>At that point I had been away from any kind of law-enforcement capacity for a long time. I didn't know what had changed. I didn't really keep a finger in that realm to understand what was going on, but my first thought was to potentially call. Emily was very upset. She did ask both of us not to.</p> <p>Q. Did she say why?</p> <p>A. She just wanted to get through the year and get out of school, is essentially what she indicated. The situation was difficult. Frankly, both my wife and I were at a point where we wanted to get Emily through school and</p>	<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p> <p>could have assisted in the prevention of that potentially. Again, I was saddened that that happened for my daughter's sake.</p> <p>Q. Is the first time you heard about my client's situation in the news, newspaper or media accounts?</p> <p>A. Yes.</p> <p>Q. And whatever you heard or read, did you see any similarities between the type of thing that your daughter had gone through with Mr. Romig and the type of things that was being reported about my client and Mr. Romig?</p> <p>MR. SANTARONE: Objection.</p> <p>Q. You can answer.</p> <p>A. Yes, I did.</p> <p>Q. Specifically, did you see anything reported about the texting that was going back and forth between the two of them?</p> <p>A. I don't recall specifically the texting. I recall just the, I think, predatory nature of it. When I read the article, I realized it was very similar,</p>	<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p>	
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Page 87	<p>graduate.</p> <p>I still thought, you know, in my mind, that potentially that should be, but what I did do when I spoke with Ryan is, I had a certain degree of assumption or a certain degree of confidence that the school would do the right thing, that the school should be investigating this.</p> <p>And based on that conversation after -- that first thought after my conversation where Ryan said he would be contacting someone within the school that he trusted in a law-enforcement capacity, at that point I believed that the school would investigate the matter.</p> <p>Q. Okay.</p> <p>A. And therefore I did not contact law-enforcement.</p> <p>Q. Did you come to regret that decision?</p> <p>A. I have, yes.</p> <p>Q. Why is that?</p> <p>A. Excuse me. When I saw the news about his arrest, I felt that I</p>	<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p> <p>starting with what happened to Emily.</p> <p>Q. Did you ever receive any information eventually, from whatever source you can recall, to indicate to you that FCA asked Mr. Romig to resign or, if he didn't, he would be terminated?</p> <p>A. That was the information that we received, yes.</p> <p>Q. How did you receive that information?</p> <p>A. I don't recall specifically where I received that information. What I do know is, I did not receive that information from the school directly because I didn't receive it from the school officials or Ryan Clymer.</p> <p>Q. Did Ryan Clymer or any administration official at the school ever send you or your wife a single piece of paper about their investigation or the resolution of this accusation by your daughter with regard to Mr. Romig?</p> <p>A. I'm sorry, the question was did they ever send me...</p>	<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p>

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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	<p>Q. Yes, a single piece of paper, a letter, a memo, an email, handwritten note, anything at all telling you what they did about this allegation and how they were going to resolve it.</p> <p>A. No, they did not.</p> <p>Q. Did Emily ever tell you that she had received text messages from Chelsea Romig that Chelsea had been abused as a child, sexually abused as a child? Did she ever tell you that?</p> <p>A. Prior to the incident, no.</p> <p>Q. At any point during the investigation of Romig's text to her.</p> <p>A. Yes, sometime after that she had indicated that.</p> <p>Q. Did you ever have any discussion with Robin Landis regarding the allegations by your daughter against Mr. Romig?</p> <p>A. I did not.</p> <p>Q. Did your daughter ever telling you that she had a conversation with Robin Landis after Mr. Romig was no</p>	<p>text messages that went between your daughter and Mr. Romig for a period of time; as it's stated in this email, from September through November of 2009?</p> <p>A. That would be correct, yes.</p> <p>Q. And did you do this by hand, or did you use some kind of program to come up with the number of 1,077 texts for a three-month period?</p> <p>A. I used the program Microsoft Excel.</p> <p>Q. And those were the number of text messages received from 267-218-5232 from Mr. Romig to your daughter?</p> <p>A. Correct.</p> <p>Q. And you indicate in this that you will have the detail of December 2009's texts on or about January 4th, 2010. What was the reason it took longer to get the December texts?</p> <p>A. Because at that point in time the December monthly was still in effect, so it wasn't completed. It would have been completed -- it's usually about the</p>
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Page 91	Page 93
longer the coach of the girls basketball team?	<p>A. Yes.</p> <p>Q. What did she tell you?</p> <p>A. I don't remember the specific detail of what she said, but that there was -- I'm not going to be able to answer that. It would be a guess. I don't recall exactly.</p> <p>Q. Fair enough. Mr. Smith, I'm going to show you what's been marked Romig exhibit five and ask if you have ever seen those documents and if you can identify them for me. You can flip through those just to see what's attached.</p> <p>(The witness complies)</p> <p>A. Yes, I have seen this before.</p> <p>Q. What is that?</p> <p>A. That is an email that I sent to Ryan containing the Excel spreadsheet of the text messages sent and received that I had downloaded.</p> <p>Q. Would it be fair to characterize this as a log of all of the</p>	<p>fourth day of the next month that I'm able to download the complete text.</p> <p>Q. I'm going to show you now Romig exhibit seven, which is an email from you to Ryan Clymer dated January 5th, 2010, with the cover memo and then again logs of texts.</p> <p>Does that document reflect the information you got from Verizon or uploaded from Verizon to indicate how many texts were sent between your daughter and Mr. Romig during the month of December of 2010?</p> <p>A. Yes.</p> <p>Q. When you got both of these groups of documents, did you show them at all to Emily?</p> <p>A. I don't recall that I specifically showed her this. I don't recall a specific instance where I sat down and showed her these documents.</p> <p>Q. Do you recall, after seeing the quantity of texts involved, thinking to yourself that "This is more or less texts</p>

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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	<p>than I thought when I first started looking into this"?</p> <p>You testified previously your daughter said there were a lot of texts that went back and forth. Did you have any idea of the number that was showing up on these documents?</p> <p>A. No, I had no idea.</p> <p>Q. When you saw the number, which was 1,077 from September until the end of November, and then 2,140 from Eric Romig to Emily just for the month of December, did you ask her what, aside from that typed statement she had written up about what some of the inappropriate texts were, what was being texted back and forth between them for that quantity of texts over that period of time?</p> <p>A. I don't recall that I had a specific conversation with her. I know that I had told her about the number of texts. And I couldn't do it now, but I know I did a quick calculation and averaged out how many texts that would be</p>	<p>conversation with anybody at FCA about that, about her being allowed to go back to school and being allowed to participate in basketball?</p> <p>A. Not that I recall.</p> <p>(Exhibit Smith-1 was marked for identification)</p> <p>BY MR. GROTH:</p> <p>Q. Let me just ask you one more thing. I've marked as Smith exhibit one a letter that I sent to you and your wife dated April 10th, 2015. Do you recall seeing that letter on or after that date?</p> <p>A. Yes, I do.</p> <p>Q. And that letter asked you to contact me to discuss the issues of your daughter's texting situation with Mr. Romig back in 2009, correct?</p> <p>A. Yes.</p> <p>Q. And did your wife and you decide to meet with me?</p> <p>A. Yes, we did.</p> <p>Q. Why did you make that decision?</p>
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	<p>in a day based on that, and I don't recall asking her for the content of that volume even for the month of December.</p> <p>Q. Okay.</p> <p>A. She had indicated that this was the type of thing that was being said. I didn't ask for more detail at that point.</p> <p>Q. At some point Emily was allowed to go back to school and resume her activities on the basketball team, correct?</p> <p>A. Correct.</p> <p>Q. How was that communicated to you or to her?</p> <p>A. I don't think that there was a specific contact to us that she was permitted to come back. I think -- I don't recall specifically.</p> <p>My impression was that when she had come home, that she would be going back after the start of the school year.</p> <p>Q. After the end-of-year holiday?</p> <p>A. Yes.</p> <p>Q. Again, did you have any</p>	<p>Page 95</p> <p>A. We felt that we had an obligation to -- we had information that would be available for the situation.</p> <p>Q. Did you feel some sense of responsibility, since you did not report this back in 2009 to the authorities, to talk about it now?</p> <p>A. I wouldn't characterize that as the reason. More or less, we had information that may be of value to this. I would say no, I didn't look at it and go, oh, here's an opportunity for me to make myself feel better for any particular reason. This is information that can be shared.</p> <p>Q. Did you come to the conclusion, your own personal conclusion, whether or not you believe that Ryan Clymer handled this allegation correctly or incorrectly?</p> <p>A. I have come to a conclusion, yes.</p> <p>Q. When did you come to that conclusion?</p> <p>A. I would say after I saw in the</p>

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	newspaper about Romig's arrest. And I know that I had a definitive thought at that point in time, but it occurred to me that I was surprised to see that situation happened. Q. And what conclusion did you come to? A. That it should have been stopped. In the situation with Emily, it should have been handled differently. Q. Stopped in what way? It was stopped with regard to Mr. Romig, right? He left the school. A. Some form of official action should have happened that would have prevented him from being able to be a teacher or a coach or to be around students again. Q. When your daughter graduated from FCA in the spring or summer of 2010, did you have any discussions with Ryan Clymer at that time? A. No. Q. Do you recall ever thanking him	Page 98	brought by Attorney Groth on behalf of his clients. A couple things. I just want to make sure that my understanding is correct. You did have a criminal justice degree from West Chester State University, right? A. Correct. Q. And your minor was in music. Was that in percussion? A. Yes. Q. And you still do some bands or things, right? A. Yes, I still do stuff like that. Q. Back in 2009 and 2010, did you have any contacts or people that you knew that still worked at the Montgomery County District Attorney's Office? A. No, none that I had kept in touch with. Q. But were there people still there that you had worked with? A. I would assume that they were,	Page 100
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	for any efforts that he took in connection with the investigation of your daughter's allegations against Mr. Romig? A. No. Q. Do you recall having any conversations with Mr. Clymer after the second telephone call that you referred to in your testimony, which I think is before the end of the year, end of 2009? Did you have any conversation with him after that before your daughter graduated? A. I did not, no. MR. GROTH: I have no further questions. Thank you. (A brief recess was taken) MR. RUSSELL: We're back on the record. EXAMINATION BY MR. RUSSELL: Q. Mr. Smith, I introduced myself to you: I'm John Russell, and I represent Faith as well as Ryan Clymer and Ross Hollenbach, who have been sued as a result of the action that was	Page 99	a couple of them, yes. Q. Is there anything that prevented you from picking up the phone and calling them as a result of this situation? A. No. Q. You mentioned in your deposition that you felt that one of the reasons Emily left her biological father's house and came to live with you on a permanent basis was that she wasn't getting the attention she desired at her father's house. Is that right? A. That's correct. Q. Did Emily have an issue with attention? A. No. Q. What do you mean, she wasn't getting the attention she desired? A. Emily's biological father had a girlfriend who had several children. They were involved in sports as well. So, everyone was involved in sports and her father would go to all their games. He was in the football league.	Page 101

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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	<p>They were boys, these children, and they were all part of football and everything. He spent a lot of time helping them with their sports and so forth, and he would miss Emily's games to be at their sports.</p> <p>Q. Would you say that Emily craved attention, or how would you describe that?</p> <p>A. I wouldn't describe it as craving attention. I think it hurt her that her father chose to pay attention and to spend this time with these boys and not come and support her in her sports.</p> <p>Q. In your working at the DA's office, you received a law-enforcement achievement award for Citizens Crime Commission?</p> <p>A. Yes.</p> <p>Q. What was that for?</p> <p>A. A good part of my time with county detectives was with the narcotics-enforcement team, and at that time we were -- that specific event was a</p>	<p>Q. And would it be accurate that even though Emily deleted the text messages from her phone, that the messages could conceivably have been retrieved from her phone itself, the hard phone?</p> <p>MR. GROTH: Object to the form. You can answer.</p> <p>A. Yes.</p> <p>Q. Do you still have the phone?</p> <p>A. I don't believe so.</p> <p>Q. Even after this came to light, did you think about trying to get the content of those text messages off of the cell phone itself?</p> <p>A. Can you clarify what came to light?</p> <p>Q. Say with the Nace situation: Say hey, now that I have that knowledge, see if we can download those deleted messages.</p> <p>A. No, that thought didn't occur to me.</p> <p>Q. And in a three-year period Emily went to three different schools,</p>
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	<p>large wiretap that we had going on with crime families from New York through Philadelphia, and we made a lot of large arrests and cleared out a good section of a criminal element that was associated with trafficking drugs from New York down the corridor toward Philadelphia -- down toward Florida, actually. So, we won a Citizens Crime Award for that work that we did.</p> <p>Q. And in your work in IT, that you kind of transformed from dealing with law-enforcement to IT, did you ever have to deal with getting data off of hardware?</p> <p>A. Yes.</p> <p>Q. And that's something that you're knowledgeable about how to do?</p> <p>A. Yes, I am.</p> <p>Q. So, even if someone deletes something, it's not really deleted, right?</p> <p>A. That is correct. In 2009 I did not have the tools or the skills, actually, to do that.</p>	<p>Page 103</p> <p>right? Isn't that accurate? She went to Calvary and then she went to Upper Pekriomen and then she went to Faith Christian Academy?</p> <p>A. Yes.</p> <p>Q. There were no instances where the school said hey, you can't come back. It was always a decision that Emily had to make?</p> <p>A. That's correct.</p> <p>Q. And I think you said that Emily asked not to go back to Calvary and then you agreed with her on that decision.</p> <p>A. Yes, she asked if she could leave Calvary. She wasn't comfortable.</p> <p>Q. If Emily had asked to leave Faith, would you have honored that request, if she had asked to leave Faith Christian Academy?</p> <p>MR. GROTH: Object to the form.</p> <p>Q. Go ahead and answer.</p> <p>A. I think, if we believe that there was a specific reason, yes, we would have probably asked her to leave --</p>

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1	if she had expressed a desire to leave.	1 Q. And was that a bit of
2	I hesitate because it was at	2 information that was used to confirm
3	the end of the year --	3 Emily's story, or do you know whether
4	Q. Sure.	4 that was --
5	A. -- so we would have encouraged	5 A. No.
6	her to just continue out.	6 Q. The follow-up was to try to
7	Q. I understand, and I'm trying to	7 verify what Emily was telling you was
8	sort through this. This is a private	8 correct, or what Emily was telling Ryan
9	school. It's not like a public school,	9 was correct.
10	where you don't have other options. This	10 A. And I apologize, so the
11	is a private school, where you choose to	11 question is...
12	enroll her and pay the tuition, right?	12 Q. Do you know whether or not what
13	A. Correct.	13 was disclosed to Ryan through Lauren Fretz
14	Q. And if I felt that my	14 was able to confirm or verify something
15	daughter's situation was not handled	15 that Emily had told Ryan or told you
16	properly, I don't think personally I would	16 about what had transpired between Eric
17	keep her there. I would pull her out.	17 Romig and Lauren Fretz?
18	So, I'm just trying to get behind that.	18 A. I don't know.
19	Did you think that the school	19 Q. Did Ryan ever tell you that he
20	handled this situation properly?	20 spoke with Kristen Kennedy?
21	A. Well, I...	21 A. Not that I recall, no.
22	Q. At the time.	22 Q. Did you ever find out that
23	A. At the time I did not believe	23 Kristen Kennedy indicated that she was
24	that the school handled the situation to	24 never sexually involved with Mr. Romig at
	Page 107	Page 109
1	what I would have liked to have seen.	1 any time while at Faith Christian Academy?
2	Q. What else would you have liked	2 MR. GROTH: Object to the form.
3	them to have done?	3 You can go ahead and answer.
4	A. I would have preferred contact	4 A. No.
5	relative to it. I would have preferred	5 Q. Did Mr. Groth, in your meeting
6	that there was an official action taken	6 with him, ever tell you that he had no
7	with regard to Mr. Romig.	7 evidence of anything happening between
8	Q. Did Ryan Clymer ever tell you	8 Lauren Fretz and Mr. Romig?
9	that he spoke directly with Lauren Fretz	9 A. I don't believe he did.
10	based upon the information that was	10 Q. Did he ever tell you that he
11	provided to him by Emily?	11 had no evidence of anything happening
12	A. I don't recall that he told me	12 between Kristen Kennedy and Mr. Romig
13	that.	13 while at Faith Christian Academy?
14	Q. Did you know whether or not	14 A. Can I take a step back?
15	Lauren Fretz told her that she was not	15 Q. Sure.
16	involved in a sexual relationship with	16 A. Lauren Fretz -- I don't recall
17	Romig?	17 where I understood that Lauren Fretz had
18	A. I believe that information came	18 said that she had never had any relations
19	to me well past the event. I do recall	19 with Eric Romig. With Kristen Kennedy, I
20	hearing that, but I know it wasn't at	20 don't recall. I don't know.
21	that time.	21 Q. Did you know that the police
22	Q. And it wasn't through Ryan, or	22 also contacted Lauren Fretz and contacted
23	was it?	23 Kristen Kennedy? Were you aware of that?
24	A. Not that I recall.	24 MR. GROTH: At what point?

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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	<p>MR. RUSSELL: During their investigation with regard to the Nace matter.</p> <p>MR. GROTH: Yes, not his daughter's matter, the Nace matter.</p> <p>THE WITNESS: Yes.</p> <p>BY MR. RUSSELL:</p> <p>Q. And did you learn that anything was revealed to them differently than what your understanding is that was revealed to Mr. Clymer?</p> <p>A. No.</p> <p>Q. And Ryan told you that he did contact the police officer, correct?</p> <p>A. Ryan indicated that he spoke with someone in a law-enforcement capacity. My impression was that -- as I recall, he said something around Bucks County Detectives. That sticks in my head as a recollection that he indicated in our conversation.</p> <p>Q. Did Ryan ever tell you that he spoke to the assistant basketball coach, Robin Landis?</p>	<p>he indicated that you were supposed to look into whether or not you could get the actual text messages, and he was waiting for you to get back to him on that.</p> <p>Did you ever get back to him on whether you could obtain the messages themselves, the content?</p> <p>A. I wouldn't characterize it as I told him that I would be getting them for him. I did, indeed, say that I would try to get them, which I indicated that I did, but that there was nothing that -- I didn't say that I was -- that he should wait for me or that there was any indication that I was handling any part of that that should stop him or prevent him from continuing on.</p> <p>Q. Did you ever tell him that you had been unable to obtain the actual content of the text messages after that last conversation where you told him that you were going to follow up on that?</p> <p>A. I don't believe I did.</p>
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	<p>A. No.</p> <p>Q. Did he ever tell you that he spoke with anybody as part of his investigation?</p> <p>A. Named specifically? No. When we had a conversation, he said that he was investigating it. He didn't indicate that he was speaking to anyone. I would have made an assumption that he was speaking to people.</p> <p>Q. And I think you've stated that you would have hoped that Ryan Clymer/FCA would have notified the authorities in addition to doing whatever investigation they did, correct?</p> <p>A. My assumption was that that was going to happen, yes.</p> <p>Q. Do you know whether Ryan Clymer assumed that you were going to be doing that?</p> <p>A. I don't know if he assumed that. I don't know.</p> <p>Q. What's interesting -- and we've already taken Mr. Clymer's deposition, but</p>	<p>Page 111</p> <p>Q. Do you know why you didn't tell him that?</p> <p>A. I don't know a specific reason. We didn't have contact after that.</p> <p>Q. You said you spoke to your divorce attorney to try to find out what you could determine about getting the content of these messages, right?</p> <p>A. Right.</p> <p>Q. Who was that divorce attorney?</p> <p>A. Meg Groth.</p> <p>Q. Did you disclose to her what you believed the contents to be based upon what Emily had told you?</p> <p>A. Yes.</p> <p>Q. And did she tell you, look, you need to go to Children & Youth, report to Children & Youth?</p> <p>A. No.</p> <p>Q. Did she indicate to you that she felt that the content of the messages that you disclosed to her were done to entice or somehow raise the level of sexual abuse with your daughter?</p>

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1	<p>A. If I can clarify.</p> <p>Q. Sure.</p> <p>A. I didn't go into detail with her concerning what was actually said in the -- what was alleged to have been said in the text messages.</p> <p>I simply asked her if she could write me a letter to Verizon to try to get the text messages, and she said what are the dates that you need. I said that Emily received inappropriate text messages from her coach, but I didn't go into any...</p> <p>Q. Did you tell her that the inappropriateness was of a sexual nature?</p> <p>A. I don't recall whether it was assumed. I don't recall that I said it directly.</p> <p>Q. Do you know why you wouldn't have said that?</p> <p>A. No, I don't know why I wouldn't have. I don't recall actually telling her that specifically, that they were sexual in nature.</p>	<p>A. No. I wouldn't -- no, to answer your question.</p> <p>Q. Faith Christian Academy is a small school, right? And they take pride in working with the parents. They don't make decisions in a vacuum. They try to work with the parents. And it's my understanding that that was part of this investigation, was working with you once Emily had reported it, correct?</p> <p>MR. GROTH: Objection to form of the question. You can go ahead and answer.</p> <p>A. I apologize. Can you rephrase the question?</p> <p>Q. Sure. Faith Christian Academy is a small school, correct?</p> <p>A. Relatively, yes.</p> <p>Q. And they take pride in working with the parents of their students as situations arise, right?</p> <p>MR. GROTH: Object to the form.</p> <p>Q. You can go ahead and answer.</p> <p>A. I would assume they do.</p>
1	<p>Q. I think you've answered this, but the reason you didn't file a report with the police was that Emily told you not to, right?</p> <p>A. That was one of several -- that was one part of the entire decision process.</p> <p>Q. What were the other parts?</p> <p>A. The stress of the situation, the overall feeling that both my wife and I had where -- we were concerned about getting Emily through school and graduating; her resistance, not wanting to create a situation; and, you know, a certain degree of assumption that the school was going to handle the situation correctly. So, at that point I made the decision not to.</p> <p>Q. Did you expect the school to go against your wishes? If you didn't wish personally to report it to the police, where you're hopeful that the school would somehow do something different than what you desired, you and Emily?</p>	<p>Page 115</p> <p>Q. And once Emily reported this, Faith Christian Academy reported directly to you and your wife on the results of the investigation. They no longer dealt with Emily. They were dealing with you, correct?</p> <p>MR. GROTH: Object to the form of the question.</p> <p>A. I wouldn't characterize them dealing with us.</p> <p>Q. Okay.</p> <p>A. I felt in the situation after we reported it and talked to them, that the lines of communication kind of shut down and kind of became guarded.</p> <p>Q. At some point -- and I know you testified that you weren't sure how -- Emily was reinstated on the team, right, and she still remained co-captain?</p> <p>A. I don't believe she was -- I don't know if she was still a co-captain or not. She came back to play.</p> <p>Q. She testified that she remained co-captain, but you don't have any basis</p>

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1	to disagree with that. 2 A. No. 3 Q. And Mr. Romig was removed from 4 the team. 5 A. Yes. 6 Q. And you hoped that that would 7 be the case, is that your daughter would 8 be believed about the numerous text 9 messages, she would be put back on the 10 team, and that Mr. Romig would be 11 removed, right? 12 A. That would be one action, I 13 would assume, that should be done, yes. 14 Q. Were you concerned at all that, 15 if you went forward with the police and 16 reported this incident, that Mr. Romig was 17 going to sue you and your wife or Emily 18 for slander or defamation? 19 A. No. 20 Q. Was there ever any indication 21 that Mr. Romig was going to sue anybody 22 because of the insinuation of the contents 23 of the messages that had been sent? 24 A. Not that I'm aware of.	1 Romig and Emily? 2 A. I don't remember a specific 3 time frame. I believe it was after this 4 was brought up. We didn't know about it 5 prior to this instance. 6 Q. What do you mean, "instance"? 7 The Nace matter? 8 A. No, prior to this. 9 Q. "This" being the documented 10 paper that you asked her to prepare, 11 which is part of Romig-6? 12 A. Correct. I did not have 13 knowledge of that. 14 Q. Do you know if anybody ever 15 emailed or communicated to Mr. Clymer or 16 any representative of Faith Christian 17 about an inappropriate-touching instance? 18 A. I don't know if anyone did. 19 Q. At any time in 2009 or 2010 20 did you believe that Emily was the victim 21 of sexual abuse? 22 MR. GROTH: Object to the form. 23 You can answer. 24 A. No.
1	Q. At any time in 2009 or 2010, 2 did Emily ever tell you that she was 3 touched inappropriately by Mr. Romig? 4 A. Yes. 5 Q. What did she tell you? 6 A. She said in one instance he had 7 touched her back end at a practice. I 8 think it was after she had gotten hit or 9 something to that effect. 10 Q. Do you know if that was ever 11 communicated to Mr. Clymer? 12 A. I don't know if it was or not. 13 Q. The one thing is, on what has 14 been marked as Romig-6, which is the 15 email with the attachment, when we looked 16 at that, which you had sent or your wife 17 had sent to Mr. Clymer, there's no 18 mention of any physical contact in there. 19 Would you agree with me on that? 20 A. Yes, I would agree with you on 21 that. 22 Q. Do you know when was the first 23 time that you learned that there was some 24 allegation of physical contact between Mr.	Page 119 1 Q. At any time in 2009 or 2010 2 did you believe that Emily was the victim 3 of serious bodily injury? 4 A. No. 5 Q. At any time in 2009 or 2010 6 did you believe that Emily was the victim 7 of sexual exploitation? 8 MR. GROTH: Object to the form. 9 A. Can you define "sexual 10 exploitation" for me? 11 Q. Yes: Do you believe that Mr. 12 Romig was attempting to persuade her, 13 induce her, entice her or coerce her to 14 engage in some sexually explicit conduct? 15 A. Yes. 16 Q. What is it that gave you that 17 impression? 18 A. The manner in which he was 19 texting her his actions; the things that 20 he was saying and texting her, that's how 21 I made that assumption. 22 Q. And even though you had that 23 impression, you didn't go to the police. 24 A. No.

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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	<p>Q. Do you know whether or not your wife had anything kind to say about Mr. Clymer at Emily's graduation? Did she go up to him and just thank him for all that he did this past year for Emily and you guys?</p> <p>A. I don't recall an instance where she did that.</p> <p>Q. You were subpoenaed to be here today. Do you know why your wife was not subpoenaed to be here today?</p> <p>A. No, I do not.</p> <p>Q. You talked about one of the reasons you didn't report it was, you and your wife just wanted to make sure Emily graduated and got through it, right?</p> <p>Was there anything that prevented you from reporting this incident after Emily graduated?</p> <p>A. No.</p> <p>Q. Did Emily ever tell that you Mr. Romig was texting her, commenting on the characteristics of her backside?</p> <p>A. Yes.</p>	<p>A. Yes, sir.</p> <p>Q. Were there any other images that were sent that you're aware of?</p> <p>A. Not that I'm aware of, no.</p> <p>Q. Do you know why that text, that picture, was not indicated in what has been identified as Romig-6?</p> <p>A. I don't believe I knew it at that time.</p> <p>Q. Was the first time you learned of that when you were interviewed by the detectives with Emily?</p> <p>A. Very possibly.</p> <p>Q. In the other instance, the Nace matter, there were images that were sent between each other, there was sexting that was going on, and there was sexual intercourse that occurred.</p> <p>You know none of that occurred with regard to Emily's situation, correct?</p> <p>A. Correct.</p> <p>Q. In fact, whatever relationship existed was halted before anything got to that level, correct?</p>
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	<p>Q. Do you know when that occurred, when that first occurred?</p> <p>A. I don't. I'm sorry.</p> <p>Q. And I understand that a lot of these conversations may start to meld together. It's my understanding she may have told the police that as a result of the Nace investigation, but I didn't see that in any documents prior to that time.</p> <p>Do you have any recollection of whether she communicated either the touching on the butt or the comments about the characteristics of her backside before she was questioned by the detectives in the Nace matter?</p> <p>A. I can't recall. No, I can't recall.</p> <p>Q. The other thing she talked to the police about, which I didn't see on any of the other material that you reported to Ryan, at least in written form, was the image that she received of Mr. Romig in his jeans, his new jeans. Did you have some knowledge of that?</p>	<p>A. Correct.</p> <p>Q. And the school intervened and determined that there were excessive texts going on between these two individuals, right?</p> <p>MR. GROTH: Object to the form.</p> <p>A. I can't -- I assume that that was what they did.</p> <p>Q. You indicated that there were a thousand or more text that went from Mr. Romig to your daughter Emily. Did you determine how many texts were going from Emily back to Mr. Romig?</p> <p>A. I did; I don't recall off the top of my head.</p> <p>Q. Were there an equal amount or...</p> <p>A. I don't recall.</p> <p>Q. In your meetings with Mr. Groth, did he tell you that he believed Faith Christian Academy was trying to cover something up?</p> <p>A. No.</p> <p>Q. In your meeting with Mr. Groth,</p>

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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	<p>did he indicate to you that he had other girls that had come forward and stated that they had been sexually abused or assaulted while at Faith Christian Academy?</p> <p>A. No.</p> <p>Q. The letter that was sent to you -- I think that was marked as Smith-1 -- in that letter, if you look at the second paragraph on the first page, it says beginning right here, "More specifically, we believe that Mr. Romig engaged in conduct designed to induce, entice, persuade, encourage or coerce a number of his female softball players" -- I think he meant basketball players -- "at FCA to participate in an exploitative sexual relationship."</p> <p>Did he ever tell you what number of female players he thought were involved?</p> <p>A. No.</p> <p>Q. He never gave you any names or anything like that?</p>	<p>A. Her answer to us was that she was very uncomfortable with receiving those emails and she deleted it.</p> <p>Q. Did she explain why she continued to email back Mr. Romig because she was so uncomfortable?</p> <p>A. No, she did not.</p> <p>Q. The one email that you were able to obtain says "This is going to be rough. Ewing Oil contracts are difficult to negotiate." It says this text message was saved. Did you save it or did Emily save it?</p> <p>A. I believe I instructed Emily to save it. It came after the discussion with Ryan after it had come, you know, come out.</p> <p>Q. Did you have any idea what that text messages related to?</p> <p>A. No.</p> <p>Q. What we previously marked as Mayer-3 -- and this purports to be an email that was cc'd to you. Do you see that?</p>
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	<p>A. No. Aside from Fretz and Kennedy, the two names that I recall, I don't know of any other names.</p> <p>Q. But you don't even know that they were sexually involved with Mr. Romig, correct?</p> <p>A. I don't know for a fact they were.</p> <p>Q. Do you know for any reason that they were?</p> <p>A. It was alleged or there were indications that they were.</p> <p>Q. So, rumors?</p> <p>A. Yes.</p> <p>Q. Did you ever speak with Lauren Fretz?</p> <p>A. No.</p> <p>Q. Did you ever speak with Kristen Kennedy?</p> <p>A. No.</p> <p>Q. There was one email that was not deleted. Did you ask Emily why she deleted all the emails if she was concerned that no one would believe her?</p>	<p>A. Yes.</p> <p>Q. On the last line of that email it says "Ryan, thank you again for the support you have given us and Emily," and it's signed by your wife, right?</p> <p>A. Correct.</p> <p>Q. Do you have knowledge that she communicated to Ryan that she was thankful for the support that he had given to both you and her as well as Emily?</p> <p>A. I don't have any knowledge about that.</p> <p>Q. Did you receive that email? It says it was cc'd to you.</p> <p>A. I'm sure I did, yes.</p> <p>Q. Did you tell your wife that you're not at all thankful for the support that Ryan gave you and Emily during this time?</p> <p>A. I don't believe I did.</p> <p>Q. And did you disagree with the sentiment expressed by your wife in that email?</p> <p>(Pause)</p>

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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	<p>A. My apologies. I was reading it in context to see what the email was about. I would characterize that I'm not pleased now. I don't know that I really drew a conclusion at the moment when I got that.</p> <p>Q. And I agree. With 20/20 hindsight the world is a whole different place, but we're dealing with the whole allegation that's made by Mr. Groth and his clients related to, you know, realtime back in 2008, 2009, 2010. And what we're trying to figure out is did Faith Christian Academy do everything that you expected of them with regard to this investigation.</p> <p>And do you agree that your wife said that she was thankful for the support that was provided to Emily and both of you? And what's the date of that email?</p> <p>A. January 16th.</p> <p>Q. Would you agree that it does state that?</p>	<p>restrictions that were imposed on her in order for her to come back her senior year?</p> <p>A. I believe there were, yes.</p> <p>Q. Do you know what it is that alleged that transpired at that party, after the junior/senior?</p> <p>A. I don't recall directly. I know there might have been drinking and a mix of boys and girls.</p> <p>Q. Were there any sexually inappropriate allegations that occurred at that party that you're aware of?</p> <p>A. I do recall -- I believe there was some kind of allegation. I believe there was. I don't recall directly what it was.</p> <p>Q. Did you confront Emily about that?</p> <p>A. I believe we did.</p> <p>Q. Do you recall what she told you?</p> <p>A. I do not.</p> <p>Q. Do you have any</p>
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Page 131	Page 133
	<p>A. I would agree that it states that, yes.</p> <p>Q. Did you have any conversations with your wife after that, that you were not thankful for the support or you wouldn't call it support that was given to you?</p> <p>A. I don't know that -- not directly to the support that they were giving us, no, I wouldn't have had a conversation with her. I don't recall a conversation related to that.</p> <p>Q. And because we are dealing in realtime at the moment trying to sort through what the issues of Faith Christian Academy was, your daughter was on probation after her junior year. Is that right?</p> <p>A. On probation...</p> <p>Q. From FCA. Do you remember her getting -- she was involved in a party after the junior/senior?</p> <p>A. Oh, okay. I do recall.</p> <p>Q. Were there certain disciplinary</p>	<p>understanding -- and I talked about Emily being reinstated as the co-captain, but do you have any recollection that she was ever removed as co-captain with Chelsea Romig at any time before this came to light of the excessive texting?</p> <p>A. I do not.</p> <p>Q. Do you know whether your daughter was ever disciplined while at Faith Christian Academy for issues involving truthfulness or dishonesty such as cheating on a test?</p> <p>A. I don't have any knowledge of that.</p> <p>Q. Again, it's our desire to get to the truth of this and figure out what transpired at the time.</p> <p>Do you have any information that you think would be helpful in understanding Faith Christian Academy's role in investigating Mr. Romig and the emails? Any other information that you think would be helpful.</p> <p>MR. GROTH: Object to the form.</p>

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1	<p>Q. You can answer.</p> <p>A. I don't believe I do at this point.</p> <p>Q. Do you know of anybody else that Ryan Clymer should have contacted at the time in order to ascertain anything more about this inappropriate-texting situation?</p> <p>A. Do you want me to speculate?</p> <p>Q. Not speculate. Just tell me what your thoughts are. It's not speculating if it's your thoughts. Who else should he have contacted?</p> <p>MR. GROTH: Object to the form. You can answer.</p> <p>A. I don't really know. I would be making an assumption at this moment. I will look back and say he should have contacted the District Attorney's Office or potentially Bucks County Detectives. The assumption was that he had.</p> <p>Q. Could the same statement be made of you, though?</p> <p>A. Sure.</p>	<p>Q. Was there talk at that time of the school wanting to put her out of the school?</p> <p>A. Not that I'm aware of, no.</p> <p>Q. If she didn't go along with this counseling -- was that part of the agreement, that she could stay in the school if she went along with this counseling?</p> <p>A. I didn't see the contract or the agreement. I don't know if that's a fact or not.</p> <p>Q. Okay. You talked about that email that came -- you were asked about the Ewing oil email, the one that doesn't seem to make any sense that was on Emily's phone?</p> <p>A. Yes.</p> <p>Q. At that point you had taken Emily's phone from her, correct?</p> <p>A. Yes, that's correct.</p> <p>Q. How long did you keep the phone?</p> <p>A. I don't recall the exact amount</p>
1	<p>Q. And Mrs. Smith.</p> <p>A. Yes, it could be.</p> <p>MR. RUSSELL: I have no further questions. Thank you.</p> <p>EXAMINATION</p> <p>BY MR. SANTARONE:</p> <p>Q. Mr. Smith, you talked about the probation or some kind of discipline that Emily received after some dance, and you talked about some drinking and some boys and girls.</p> <p>Was there any allegation that Emily was involved in some sexual act?</p> <p>A. I don't remember specifically what the allegation was, but I would characterize it that, yes, she was involved with something.</p> <p>Q. And as a result of that, did she have to go to counseling with a pastor?</p> <p>A. Yes, she did.</p> <p>Q. And did she sign a contract saying "This is what I agree to"?</p> <p>A. Yes.</p>	<p>Page 135</p> <p>of time. I know it was for several months that we kept the phone. We kept -- I know there was a period of time that we held onto the phone.</p> <p>Q. Did she eventually get that phone back or another phone?</p> <p>A. I don't recall.</p> <p>Q. She kept the same phone number, though, correct?</p> <p>A. Correct.</p> <p>Q. The breakdown that you did of the number of emails that were from Romig to Emily, did you ever print out the number of emails that were from Emily to Romig?</p> <p>A. Yes.</p> <p>Q. And is that on the -- is that on these --</p> <p>A. Yes.</p> <p>Q. Can you tell me where it is?</p> <p>A. Yes.</p> <p>MR. GROTH: If you want to use the ones that are marked so he knows...</p>

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1	MR. SANTARONE: Okay. 2 MR. GROTH: ...which one he's 3 talking about. 4 MR. SANTARONE: Okay. 5 MR. GROTH: Tell us what 6 exhibit you're looking at. 7 THE WITNESS: Exhibit Romig-5? 8 Again, let me look at Exhibit Romig-7. 9 What I'm looking for is a pivot table 10 that was cited in the original electronic 11 Excel file that broke down the to-and-from 12 and it had a sum for both of them. 13 That's in the electronic file. 14 I would have to sit here and count each 15 one of these to be able to tell you. 16 BY MR. SANTARONE: 17 Q. Well, let's look at number 18 seven. That has -- no, it's the front 19 page. 20 A. Oh, I'm sorry. 21 Q. You have there texts to Emily, 22 you have 2,140. Do you see that? 23 A. I'm sorry. 24 Q. Here.	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 computer directly into Excel, so it automatically populated the cells in the program, and from there I manipulated -- I took the numbers and I created a pivot table based on that. It will do a compare and tally them up. I never actually printed them. It was always in electronic form. Q. Always in electronic form, okay. A. Yes. Q. And when you created these two separate files, did you create a separate file that says Emily to Romig? A. Yes, there is a tab in the Excel spreadsheet that has Emily to Romig and one that is Romig to Emily, and those two pivot tables total up the number. Q. Okay. Did you give that pivot table for September/October/November, Emily to Romig, did you give that to Mr. Clymer? A. I did, yes. Q. Is it in this exhibit? A. It is not printed off, no.
1	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 A. Yes. Q. Then what's the next from... A. From Emily to Romig, 1,886. Q. Okay. And for the September, October and November time frame, the other exhibits you looked at... A. Yes. MR. RUSSELL: Is that Romig exhibit five. Q. ...you don't have it broken down there on that one. A. On this email I do not. Q. Okay. Is it broken down -- I mean, not that I'm asking you to do it, but could it be counted up on this document that's attached to that? Did you print out that information or did you just print it one way? A. I did not print these documents. Q. Well, you printed them out from your computer when you looked at your bill. A. I downloaded them from my	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 Q. Do you have a copy of that? A. I believe I do still, yes. Q. In the course of speaking with your daughter and what you've learned from any source, you've never heard that Mr. Romig ever asked Emily to send him a picture of her, correct? A. Correct. Q. When you met with Mr. Groth your wife was there, correct? A. Yes. Q. Was she there for both of the meetings? A. Yes. Q. And they both occurred at your house. A. Yes, they did. Q. Other than what you testified here to today, did your wife add anything else? Did your wife say, oh, I told Mr. Clymer this? A. Yes, my wife had specific conversations that I did not have. Q. What did she say in those

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<p>1 specific conversations? What did she say 2 at that meeting that you had with the 3 attorney?</p> <p>4 A. I think they were related to 5 the assistant basketball coach, a 6 conversation with the assistant basketball 7 coach.</p> <p>8 I apologize, I don't remember 9 what she said exactly, but I know that 10 she had a conversation with perhaps Robin 11 Landis or the assistant basketball coach. 12 She interjected some piece of information 13 that I did not have as a conversation.</p> <p>14 Q. But your wife never said "Oh, I 15 told Ryan Clymer" or "I told anybody at 16 Faith Christian Academy that Emily alleged 17 that Romig had touched her at some 18 point"? She didn't say that, did she?</p> <p>19 A. I don't recall that, no.</p> <p>20 Q. When you talked about, you 21 know, you just went through how you 22 pulled this up and you downloaded and you 23 created a matrix and separated it, you 24 said in 2009 you didn't have the capacity</p>	<p>1 that's true or not? 2 A. I do not. 3 Q. When you were an investigator 4 with Montgomery County -- you were there 5 for how many years? 6 A. Five and a half. 7 Q. (Continuing) -- for five and a 8 half years, did you make any friends with 9 people that worked there? 10 A. Sure. 11 Q. Oscar Vance a friend? 12 A. An acquaintance, yes. 13 Q. Did you ever think of calling 14 Oscar to say "This is what I got. What 15 do you think I should do?" 16 A. No. 17 Q. How about in the context of 18 being an investigator with Montgomery 19 County? You had a lot of contact with 20 police chiefs, different officers, correct? 21 A. I did, yes. 22 Q. Some of those chiefs were there 23 for years and years. Did you know any 24 of those chiefs?</p>
<p>1 to retrieve deleted text messages from a 2 phone.</p> <p>3 Did you know it could be done? 4 There is a difference between having the 5 capacity and knowing it. Because you know 6 computers: Everything is always there, 7 right?</p> <p>8 A. Yes. To answer your 9 question, technically, yes, I knew that 10 you could -- that it could be done.</p> <p>11 Q. You never took Emily's phone 12 in for a forensic examination by anyone?</p> <p>13 A. Correct, I didn't.</p> <p>14 Q. And you wouldn't need a 15 subpoena to do that. It's your phone.</p> <p>16 A. That's correct.</p> <p>17 Q. Did you ever speak to anyone 18 from Verizon? I know you went on and you 19 searched, but did you ever speak with 20 anyone from Verizon about whether or not 21 the content of text messages even exists 22 other than just on this phone?</p> <p>23 A. I did not.</p> <p>24 Q. Do you know today whether</p>	<p>1 Page 143</p> <p>1 A. In Montgomery County? 2 Q. Montgomery, yes. 3 A. I didn't deal in Bucks County. 4 I dealt with Montgomery County. 5 Q. Okay. Did you ever think of 6 calling any of them? 7 A. No. 8 Q. The Montgomery County detectives 9 have, for want of a better word, a sex 10 crimes unit, correct? 11 A. I believe they do now, yes. 12 Q. Did they not have one then? 13 A. I believe they had one 14 detective who handled cases of that 15 nature, but not a particular unit. 16 Q. That was a female? 17 A. Yes. 18 Q. Did you know her? 19 A. Yes. 20 Q. Did you ever think of calling 21 her? 22 A. No, I did not. 23 Q. You talked about a resolution, 24 not really knowing what was going on, but</p>

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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	<p>when Emily came home from school it was December 21st. That was the last day of school for that school year before the holiday. That's the day she talked to you, correct?</p> <p>MR. GROTH: Object to the form.</p> <p>A. That was the day that she talked to us.</p> <p>Q. Okay. So, you have the Christmas holiday, then you have the first day of school. She goes back the first day of school, correct?</p> <p>A. I don't recall whether she went back that first day.</p> <p>Q. If she said she did, do you have any reason to doubt that's not true?</p> <p>A. I have no reason to doubt it.</p> <p>Q. When she goes back to school that first day, she's on the basketball team, correct?</p> <p>A. She is, yes.</p> <p>Q. And Romig is gone, correct?</p> <p>A. Can you define what "gone" means?</p>	<p>know, to leave school that day. She's told to leave school and go home and tell your parents, right?</p> <p>MR. GROTH: Object to the form.</p> <p>Q. Correct?</p> <p>A. She did come home and tell us, yes.</p> <p>Q. Would you have wanted the school to do anything different other than saying tell your parents right away about this?</p> <p>A. For that particular moment? No.</p> <p>Q. You mentioned that Emily has sisters?</p> <p>A. Yes.</p> <p>Q. How many sisters?</p> <p>A. Two other sisters.</p> <p>Q. Are they younger, older?</p> <p>A. They're both older.</p> <p>Q. Where did they going to school?</p> <p>A. They went to Calvary Baptist.</p> <p>MR. SANTARONE: That's all I have.</p> <p>Thank you.</p>
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	<p>Q. He's not the coach any more.</p> <p>A. Yes.</p> <p>Q. And you knew that because you wouldn't have let her go back to school if he was still the coach, would you, or would you?</p> <p>A. No. I would assume that -- I don't recall exactly what we were thinking at the time. I would not have wanted her to be there if he was still there.</p> <p>Q. Right. And my point is, you knew he was going to be gone as the coach before she went back that first day.</p> <p>A. I don't know that I knew that. I don't know that I knew that she -- I don't know that I knew that.</p> <p>Q. Well, if you didn't know it, you wouldn't have let her go back to school, would you?</p> <p>A. I would not have let her play on the basketball team.</p> <p>Q. You know, you talked about that day, December 21st, where she's told, you</p>	<p>Page 147</p> <p>MS. CONNOR: I don't have any questions. Thank you, Mr. Smith.</p> <p>MR. GROTH: Excuse me, I just have a couple.</p> <p>EXAMINATION BY MR. GROTH:</p> <p>Q. Mr. Smith, were you aware that after Emily made these allegations about Mr. Romig to Ryan Clymer, that although she was sent home to tell you about it, Mr. Romig was allowed to coach at practice of the girls team and also coach a game for the girls basketball team after the allegation was made about him? Did you know that?</p> <p>A. Yes.</p> <p>Q. How did you know that?</p> <p>A. I don't recall specifically who told us, but we were made aware of it. We were made aware that he had coached a practice and a game.</p> <p>Q. And Emily was not participating in that practice or that game. Is that correct?</p>

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1	A. That is correct. 2 Q. That was Ryan Clymer's decision, 3 correct? As she told you? 4 A. Yes, correct. 5 Q. Were you ever interviewed by 6 the Bucks County Detectives? 7 A. Yes, I was. 8 Q. Were you interviewed at the 9 same time as Emily? 10 A. Yes. 11 Q. Two people in the room at the 12 same time? 13 A. Yes. 14 Q. Was that recorded? 15 A. I don't recall. 16 Q. Did Ryan Clymer ever ask you to 17 provide him with Emily's cell phone so 18 that he could give to it somebody who 19 could do any forensic testing of the 20 phone to determine if they could reveal 21 the contents of the texts between Romig 22 and Emily? 23 A. No. 24 MR. GROTH: I have no other	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24
	Page 151	<p>WITNESS CERTIFICATION</p> <p>I hereby certify that I have read the foregoing transcript of my deposition testimony, and that my answers to the questions propounded, with the attached corrections or changes, if any, are true and correct.</p> <hr/> <p>DATE KEVIN R. SMITH</p> <hr/> <p>PRINTED NAME</p> <p>FILE 11780</p> <p>NACE</p> <p>vs.</p> <p>PENNridge SCHOOL DISTRICT</p>

1 CERTIFICATION

2

3

4 I hereby certify that the
5 testimony and the proceedings in the
6 foregoing matter are contained fully and
7 accurately in the stenographic notes taken
8 by me and that the copy is a true and
9 correct transcript of the same.

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